

Planning Proof of Evidence

Evidence of Sebastian Tibenham

**Former DXC Technology Site, Euxton Lane, Chorley
On behalf of Bellway Homes Limited (Manchester Division)**

Date: January 2023 | Pegasus Ref: P21-0962 / R009v7 / PL / ST

Appeal Ref: APP/D2320/W/22/3309262 | LPA Ref: 21/01475/FULMAJ





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Contents

1.	Experience.....	1
2.	Introduction.....	2
3.	The Council's Determination of the Application.....	5
4.	Appeal Site and Surrounding Area.....	6
5.	The Appeal Proposal	9
6.	The Development Plan.....	11
7.	Locating Growth and Development	13
8.	Delivering Homes.....	23
9.	Reason 1: Loss of Employment Land	36
10.	Reason 2: Accessibility and Place Making.....	107
11.	Planning Balance and Conclusions.....	121

Appendices contents (SENT SEPARATELY)

Appendix 1: Council's Determination of the Application

Appendix 1A: Council's Suspended Pre-application Advice Service

Appendix 2A: Site Location in Chorley Borough Context Plan

Appendix 2B: Central Lancashire Strategic Sites Plan

Appendix 2C: Site Location in context of Buckshaw Village Services and Facilities

Appendix 2D: Walking Routes to Buckshaw Village

Appendix 2E: Site Constraint Plan

Appendix 3: Photos of vacant office and appeal site

Appendix 4: Existing floorplans

Appendix 5: Photographs of housing alongside employment development and associated plan

Appendix 6: Aerial imagery of Buckshaw Village

Appendix 7: Billeracy Appeal Decision

Appendix 8: Blainscough Hall Appeal Decision

Appendix 9: Tincklers Lane Appeal Decision



Appendix 10: Parr Lane Appeal Decision

Appendix 11: Adlington Appeal Decision

Appendix 12: Draft NPPF Housing Supply Considerations

Appendix 13: Summary of Council's Consideration of Policy 10

Appendix 14: Drivers Jonas 2009 Site Assessment

Appendix 15: Letter from Landowner (Bluemantle)

Appendix 16: Cuerden Strategic Employment Site Update

Appendix 17: Salmesbury Strategic Employment Site Update

Appendix 18: Pegasus Employment Land Supply Table

Appendix 19: Chorley Employment Site Allocations – Updated Proformas

Appendix 20: Pegasus Employment Land Take Up Summary

Appendix 21A: Great Knowley Employment Development (Site Location Plan & Site Layout)

Appendix 21B: Extract from Great Knowley Planning Statement

Appendix 21C: Great Knowley Residential Site Layout

Appendix 22A: July 2022 Committee Report for Botany Bay Employment Development

Appendix 22B: Minutes from July 2022 Committee for Botany Bay Employment Development

Appendix 22C: Botany Bay Employment Site Layout

Appendix 22D: Extract from Botany Bay Planning Statement

Appendix 23: CBRE Marketing (2014)

Appendix 24: Energy Performance Certificate (EPC) for Appeal Site

Appendix 25: EPC Rating Guidance

Appendix 26: Summary of Lockdown Rules

Appendix 27: Strawberry Fields Committee Report and Funding

Appendix 28: Policy 17 Compliance (Agreed Criteria)

Appendix 29: Updated Design and Access Statement (APD)

Appendix 30: Euxton Lane Corridor Plan (APD)

Appendix 31: Illustrative 3D Visuals of Appeal Proposals



1. Experience

- 1.1. My name is Sebastian Tibenham. I hold a Masters in Town & Country Planning from the University of Manchester.
- 1.2. I am a Chartered Town Planner and employed as a Planning Consultant at Pegasus Group. I currently hold the position of Executive Director and I am based in the Manchester office.
- 1.3. I have worked in the private sector as a Planning Consultant since 2001 (19 years). Prior to my appointment at Pegasus (in 2010), I worked for the Development Planning Partnership as a planning consultant.
- 1.4. I have a wide range of experience in all aspects of Town Planning, dealing with both Development Control and Planning Policy. A large proportion of my work now involves advising residential developers and I am responsible for all aspects of their work ranging from site promotion through the Development Plan process to preparing and submitting planning applications for various scales, including large scale strategic urban extensions.
- 1.5. As well as dealing with outline applications for larger developments I am also involved in negotiations on a day to day basis in relation to reserved matters applications on behalf of residential developers.
- 1.6. I also have experience in representing clients at appeals and I have presented evidence on their behalf at various Public Inquiries and Informal Hearings.
- 1.7. With regards to the current appeal site, I have had oversight of the project at the application stage.
- 1.8. The evidence that I have prepared and provide for this appeal (PINS Ref: APP/D2320/W/22/3309262) is true and has been prepared and is given in accordance with the guidance of my professional institution, irrespective of by whom I am instructed. I can confirm that the opinions expressed are my true and professional opinions.

2. Introduction

- 2.1. This Proof of Evidence has been prepared on behalf of Bellway Homes Limited (Manchester Division), (the Appellant). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of the former DXC Technology Site, Euxton Lane, Buckshaw Village, Chorley (the Appeal Site).
- 2.2. The Appeal has been lodged further to a refusal decision notice issued by Chorley Borough Council (the Local Planning Authority) in relation to a full application (LPA ref. 21/01475/FULMAJ) for:
- "Erection of 108 no. dwellings (Use Class C3) with associated access, landscaping, parking and other works following demolition of existing building."***
- 2.3. To clarify, the original application submission validated on 5th January 2022 was for 118 dwellings, but the proposals and description of development were modified during the Council's consideration of the application. Ten dwellings were removed to provide an area of public open space and play area within the site.
- 2.4. Statutory consultee responses received towards the application are provided in the Council's Appeal Questionnaire response (**CD 13.2**). In summary, the following responses have been received:
- Regulatory Services – Environmental Health: **No objection**.
 - Lancashire County Council Archaeology Service: **No objection subject to condition**.
 - Greater Manchester Ecology Unit: **No objection**.
 - Growth Lancashire (Conservation): **No objection**.
 - Waste & Contaminated Land: **No objection subject to condition**.
 - Lancashire County Council Highway Services: **No objection subject to conditions and travel plan contribution**.
 - Lead Local Flood Authority: **No objection subject to conditions**.
 - Network Rail: **No objection subject to conditions**.
 - United Utilities: **No objection subject to conditions**.
 - Environment Agency: **No objection subject to condition**.
 - Lancashire County Council Education: **Have commented that an education contribution is not required at this stage with regards to this development**.
- 2.5. Therefore, no issues were raised from any of the technical statutory consultees in relation to the appeal proposals.

- 2.6. Euxton Parish Council commented on the employment needs of the area.
- 2.7. The application only received one comment from a member of the public, an extremely small amount given the scale of the appeal proposals.
- 2.8. Notwithstanding the low level of objections received, the application was refused at committee on two grounds and the Decision Notice (**CD 11.1**) dated 22nd September confirms these are:
- ***The proposed development would result in an unacceptable reduction in the type and quantity of employment land supply contrary to policy 10 of the Central Lancashire Core Strategy.***
 - ***The application site is proposed in isolation from residential development patterns and associated amenities resulting in an unsustainable form of development. It would fail to provide connectivity with supporting amenities, which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore, secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012 and the National Planning Policy Framework.***
- 2.9. My evidence principally deals with the reasons for refusal provided by the Council and focuses on whether the appeal proposal is in accordance with the Development Plan or where such policies are out of date, whether they are in accordance with policies NPPF and whether any other material considerations should apply. I also deal with any objections raised during the application process which are limited to one resident and the Parish Council. It is notable that at the time of writing, no further comments were received from members of the public at the appeal stage (following the Council's appeal notification letter). The development proposals continue to attract very little interest.
- 2.10. I reserve the right to add to or amend my evidence on receipt of evidence submitted by other parties.
- 2.11. My evidence should be read alongside the other Proofs of Evidence that have been prepared on behalf of the appellant including:
- Mr Andrew Aherne (Aherne Property Consultants) in relation to employment land market and viability issues; and
 - Mr Philip Wooliscroft of Eddisons in relation to transport and accessibility matters.
- 2.12. My evidence should also be read alongside the following Statements of Common Ground and where possible I refer back to our Statement of Case (**CD 13.1**), in order to keep my evidence concise and to avoid unnecessary duplication:
- General SOCG dated and signed **06.01.2023 (CD 14.1)**
 - Employment and viability SOCG dated and signed **31.01.2023 (CD 14.2)**
 - Heritage SOCG dated and signed **23.01.2023 (CD 14.3)**, and



- Suitability of the site for Residential Development SOCG dated and signed **30.01.2023 (CD 14.4)**.

3. The Council's Determination of the Application

3.1.

Before I address the key issues, I do consider it relevant that the Inspector is made aware of how the Council determined the planning application. I summarise the key points below and provide further details at **Appendix 1**:

- The Council were not carrying out any pre-application discussions with developers at the time and I understand that is still the Council's position today (see Appendix 1A). This is clearly contrary to paragraph 39 of the NPPF.
- Once the application was registered, the Appellant issued legal advice from David Manley QC (now KC) to the Local Planning Authority (LPA) on 23rd May 2022 in relation to the application and weight to be afforded to Core Strategy Policy 10 in light of the Council being unable to demonstrate a 5 year supply of housing (see **CD 12.1 and 12.2**). The advice confirmed that it was a main policy relevant to the determination of the planning application that was to be regarded as being out of date and therefore paragraphs 11 and 123 of the NPPF should be afforded significant weight.
- On 9th June 2022, the Case Officer (Mr Iain Crossland) confirmed in writing that the Council had sought its own legal advice which corroborated that of David Manley and he was now in a position to recommend approval of the application (see **CD 12.26**). All subsequent dialog and with the Case Officer and any requested alterations to the development proposal thereafter were pursued on a positive footing.
- However, the application was then withdrawn from two subsequent planning committee meetings at the very last minute, firstly on 12th July 2022 and again on 16th August 2022. Dialog and correspondence with the case officer and Planning Manager (Mr Jonathan Noad) at this point in time remained supportive and that the committee report was still being drafted for a recommendation for approval (see **CD 12.29 and CD 12.28**).
- The final committee date was then set for 21st September 2022 and on the afternoon prior to the committee reports being issued, the Planning Manager called me and stated he was now writing up the application for refusal on the basis of new information being provided in a Chorley Market Update report provided to the Council in August 2022 (see **CD 6.6**) in relation to the demand/shortfall of land for office premises. Notably, the update report was not made publicly available or provided to the applicant in advance of the committee meeting date so no scrutiny of the change in circumstances could be undertaken. This presumed demand for office space was cited by the Planning Manager at paragraph 76 of the report where it is stated:

'...any redevelopment of this site for residential development would clearly undermine a key economic site and would lead to a building shortage of office supply in the borough harming economic growth'
- Finally, no request was made by the Council to provide a marketing assessment or provide additional detail on the viability assessment that was provided during the application process.

4. Appeal Site and Surrounding Area

- 4.1. The appeal site and description of the immediate surrounding area is provided in Section 2 of the Pegasus Group Statement of Case (**CD 13.1**). This includes the site's proximity to key services and its relationship to surrounding uses. I do not intent to repeat the content of the Statement of Case here and will therefore refer to relevant parts.
- 4.2. The following four site context/locations plans are provided within my evidence to further illustrate the site's relationship within Central Lancashire, Chorley and more locally within the relatively new settlement of Buckshaw Village:
- at **Appendix 2 A**, which illustrates the site's location in the context of Chorley Borough, the main settlements and the defined Green Belt that covers large parts of the Borough.
 - at **Appendix 2 B**, which illustrates the site's location in the context of various strategic site designations defined within the Central Lancashire Core Strategy;
 - at **Appendix 2 C** which illustrates the site's location in the context of all nearby key services and facilities within and around Buckshaw Village, Euxton and Chorley.
 - at **Appendix 2 D**, which illustrates the walking routes to the closest available public transport and education facilities and the District Centre within Buckshaw Village.
- 4.3. In short, the previously developed, brownfield site is located towards the edge but entirely within the settlement boundary of Euxton and within the Buckshaw Village Strategic Site boundary as defined on the Chorley Local Plan Proposals Map – Buckshaw Village Inset (**CD 2.2.2**).
- 4.4. It measures 3.02 ha and the northeast corner of the site is occupied by a two storey office building. The remaining and majority of the site comprises of internal access roads, surface level car parks and some grassed / landscaped areas as illustrated on the APD plan contained at **Appendix 2.E**.
- 4.5. Generally speaking, the site is a poor condition and underutilised a) because of the vacant office building and b) because of the limited amount of built footprint on the previously developed site. Parts of the car parking areas have begun to become overgrown and the office building is showing its age. Photographs of the building and site are provided at **Appendix 3** of my evidence.
- 4.6. The building was previously occupied by DXC Technology who fully vacated the premises in January 2022, having served notice on the landlord in 2021 as part of their break clause and following their acquisition by Hewlett Packard, who no longer had any use for the property, with other offices located elsewhere within the Region.
- 4.7. The building was converted to offices in 1989 having previously been a B8 Use Class warehouse further to planning application reference 89/00409/FUL.
- 4.8. Further details regarding the state of the building are provided in evidence provided by Mr Aherne. However, based on my own observations and visits to the site and building,

it is evident that the office building provides a significant amount of floorspace across two floors, very low floor to ceiling heights across large parts of both storeys, and is in a condition that would require significant work to bring it up to a lettable standard of any description.

- 4.9. The existing floorplans provided at **Appendix 4** of my evidence assists in highlighting the scale of the office space available. Indeed, they illustrate over 600 desk spaces across the two floors (excluding meeting room space). This is a considerable amount.
- 4.10. Notably, the office building has an energy performance rating of G. This is the lowest rating available and goes some way in demonstrating the difficulties associated with being able to re-let the premises to a new tenant, which I address further in Section 10 of my evidence and is also addressed by Mr Aherne in his evidence.
- 4.11. I regard the site to be sustainably located due to its proximity to local bus stops located on Euxton Lane and cycle routes that run along Euxton Lane and connect to the Buckshaw Village District Centre and the train station located to the north. Whilst there is a need to cross the railway line by the Central Avenue bridge located to the west, wide footpaths/cycle lanes are provided along this route. Once over the bridge shared cycle and footpaths are provided through the Knight Avenue Park area of open space to connect to the District Centre and railway station.
- 4.12. Key constraints on the site which I consider are relevant when considering the site's redevelopment options include:
 - Two culverts that run through the site in an east west direction which are existing private sewers. The right to use the existing sewers are reserved in a 1996 transfer. The existing connections to drainage would need to be respected as well as the right to connect to the drainage in the future and there are no lift and shift transfer rights granted in the 1996 transfer. Their alignment and easements are illustrated on the Plan at **Appendix 2.E – APD Plan CPO1**).
 - Two mature oak trees are located in the western half of the site, which are protected by tree protection orders. Both trees (T1 and T21) are in good condition and as evidenced by the Arboriculturally Assessment accompanying the application. Their location and protection zones are illustrated on the plan at Appendix 2 of **CD 10.2**.
- 4.13. It is agreed that the surrounding area is mixed in terms of use and appearance (see **paragraph 3.1, bullet point 7** of the General Statement of Common Ground – **CD 14.1**). The railway line and station are to the north, Preston North End's Football Clubs training ground facilities to the east, commercial properties and Runshaw College to the west, and open countryside and a residential property and nursery located to the south beyond Euxton Lane, with additional residential and employment areas located further to the east, west and north of the site.
- 4.14. A Grade II listed building is located on the opposite site and the exiting signalised junction onto Euxton Lane. This is described in more detail in the accompanying Desk Top Heritage Assessment (**CD 10.11**) provided alongside the application and appeal submission. In short, it is a former brick built agricultural barn with certain architectural qualities. It is well screened but still visible from the appeal site albeit in the context of the wider surrounding area. Further details and agreements in relation to significance of the heritage asset (along with other non-designated heritage assets) is contained

within the more detailed Heritage Assessment and the signed and agreed Heritage SOCG on this matter (**CD 14.3**).

Site Designations in the Development Plan

- 4.15. With regard to the site's designation and status within the adopted Development Plan for the area, key points I wish to highlight as illustrated on the Chorley Local Plan proposals Map (Buckshaw Village Inset Map 4) include:
- The site is located within a settlement boundary where development is encouraged by Policy V2 of the Chorley Local Plan;
 - The site is located within the Buckshaw Village Strategic Site area, which is one of a few strategic locations defined by the Core Strategy (Appendix B – Plan on page 143) where housing development and employment development is expected to be targeted by Core Strategy Policy 1. In particular, the wider Buckshaw Village site area is identified as a **mixed use designation** under Policy 1(ciii), where growth and investment will be concentrated to meet local housing and employment needs. I provide more context on the Buckshaw Village strategic site designation in the following section.
 - A small part of the appeal site is defined on the Chorley Local Plan Proposals Map as 'Existing Sport and Recreational Facility (Green Belt)'. However, it is agreed between the parties within the General SOCG (at **paragraph 2.2, bullet point 4 of CD 14.1**) that this is a cartographic error and the site has not been used for such purposes.
 - It is also agreed that the site is not within the Green Belt, which is defined by a typical light green colour on the Proposals Map often used to represent Green Belt.
 - The Chorley Local Plan proposals map does not allocate or designate the majority of site for any particular use or development in that it is not located within a designated town centre, nor is it allocated for employment development or housing development (unlike other parcels of land within the Buckshaw Village area).
- 4.16. None of the designations set out in footnote 8 of the NPPF apply to the site. It is not within a flood risk area, not part of a SSSI or other protected habitat or protected landscape area. In short, the appeal site is an undesignated parcel of white land located within a defined settlement boundary and a specific location where growth is targeted for housing and employment development. It was last used for offices, but it is now agreed that office use is unviable in respect of both refurbishment and redevelopment (see paragraph 8.14 of general SOCG **CD 14.1**). Indeed, the existing building has reached the end of its useful life. It must therefore follow that the appeal site needs repurposing and needs to be redeveloped.
- 4.17. Whilst the site has not previously been identified to meet development needs within the plan period, my position is that Policy 1 of the Core Strategy positively encourages residential development to take place in this location, subject to addressing other relevant policies within the development plan and any other material considerations.

5. The Appeal Proposal

- 5.1. The proposal seeks full planning consent for the erection of 108 no. dwellings (Use Class C3) with associated access, landscaping, parking and other works following demolition of the existing building on site.
- 5.2. The appeal proposal comprises 108 no. dwellings (Use Class C3) and as shown on Planning Layout Reference: BHM200 PLO1 Rev AB (**CD 10.27**), comprises:
- 6 no two-bedroom apartments;
 - 24 no. two-bedroom dwellings;
 - 53 no three-bedroom dwellings; and
 - 25 no. four – bedroom dwellings.
- 5.3. The proposals will provide affordable housing on site – addressed in a Section 106 Agreement that will be issued to the Inspector very shortly. The amount of affordable housing is in line with the adopted policy 7 of the Core Strategy (which calls for 30% provision); minus an allowance for vacant building credit (which results in a requirement of **11%**), plus a slight uplift applied by the Appellant (resulting in a final provision of **12%**). This results in the delivery of **13** no. of affordable homes on site. I address this in more detail in Section 7 of my evidence.
- 5.4. Vehicular access to the site will be taken via Euxton Lane to the south, in the form of a simple priority junction. The proposed access arrangements were subject to negotiations with Lancashire County Council Highways, who have no objections to the proposals (see **CD 12.14**). The existing signalised junction to the immediate east of the site will also remain in place.
- 5.5. The proposals include a Local Equipped Area of Play (LEAP) in the south-west corner of the site, which would be of benefit to both the existing local community and future residents and nearby businesses on the basis that there is an identified shortfall of public open space in this general location (see **CD 12.32**). This will also improve the visual and local amenity of the site in a location that is in reasonably close proximity to the Grade II listed building located on the opposite side of Euxton Lane.
- 5.6. As shown on the soft landscaping plans (see **CD 10.32 and 10.33**), the proposals have sought to retain existing trees and vegetation on site where possible. Of particular note, the two trees subject to Tree Preservation Orders will be retained by the proposals, one of which is located within the public open space area in the south-west of the site. In addition to tree retention where possible, the proposals also provide additional tree planting throughout the site and along the proposed streets and lanes, with landscaping also proposed at the front of plots to break up parking bays and to provide a softer/greener street scene. A total of 72 new trees will be planted on the site. Each plot has their own private garden, with some plots also accompanied by green areas at the front of plots.
- 5.7. In terms of other ecological enhancements, 9 bird boxes and 3 bat boxes will also be provided on site in accordance with the submitted Bat and Bird Box Scheme prepared



by The Environment Partnership (**CD 10.24**) and secured via draft condition 7 within the signed Statement of Common Ground (**CD 14.1**).

- 5.8. 100% electric vehicle charging points will be provided on site, in line with the latest Building Regulation Requirements.
- 5.9. Via an agreed draft condition (no. 21) and a subsequent s278 agreement for off site highway works, the proposal will also deliver improvements to the two neighbouring bus stops located on Euxton Lane and adjacent to the site and Preston North Ends's Training Ground, which currently serve a school bus service to access the local secondary schools. The locations of the stops are illustrated on my plan at **Appendix 2D**.

6. The Development Plan

- 6.1. The relevant development plan in this instance consists of the following:
- **Central Lancashire Core Strategy (2010 – 2026)** – adopted in 2012 (**CD 2.1**), and
 - **Chorley Local Plan 2012–2026** (Site Allocations and Development Management Policies DPD) – adopted in 2015 (**CD 2.2**).
- 6.2. The relevant policies within the adopted Development Plan are listed in Section 4 of the Pegasus Statement of Case (**CD 13.1**) and Section 6 the agreed General Statement of Common Ground (**CD 14.1**). To avoid repetition, I do not repeat every relevant policy within the Development Plan within this Section.
- 6.3. It is important to highlight that the Council's two stated reasons for refusal only identify conflict with two development plan policies within the Core Strategy, including Policy 10: Employment Premises and Sites, and Policy 17: Design of New Buildings. It can therefore be assumed that the LPA accepts compliance with all other development plan policies.
- 6.4. Indeed, the appeal scheme is compliant with significant components of the adopted development plan for the area and those policies where compliance is achieved and agreed is set out in Section 6 of the General SOCG (**CD 14.1**).
- 6.5. With regards to the weight that can be applied to the development plan as a whole, I accept that it remains the statutory starting point for determining the appeal proposal. I also note that the plan period is still active up to 2026 and that both DPDs were considered by the Inspectorate/SoS in the context of the 2012 NPPF. However, I do not regard all of the adopted Development Plan policies to be up to date and consistent with the Framework. It is agreed that all of the most important policies relating to the Council's reasons are out of date because of the lack of a 5 year supply of housing in Chorley and none of the NPPF footnote 8 designations apply to the appeal site. There are also other reasons why the most important policies are out of date. For instance, subsequent changes have been made to the NPPF in relation to making effective use of land, which are central to this appeal case and were not relevant at the time of examining the Core Strategy. I address these issues in more detail within the following sections of my evidence when considering individual policies within the Development Plan.
- 6.6. It is also important to highlight at the outset that the Council cannot demonstrate a 5- year supply of housing (currently 3.3 years based on the Council's latest monitoring report). As such, paragraph 11 and footnote 8 of the NPPF must also be applied to the determination of this appeal and for decision making that means:
- c) ***approving development proposals that accord with an up-to-date development plan without delay; or***
- d) ***granting permission unless:***

- i) ***The application of policies in this Framework that protects areas of assets of particular importance provides a clear reason for refusing the development proposed;***
 - ii) ***Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole.***
- 6.7. Critically, none of the designations or locations cited under footnote 7 of the Framework apply to the appeal site and therefore only part c and d(i) of paragraph 11 apply to this case.

7. Locating Growth and Development

Compliance with Policy 1

- 7.1. First and foremost, it is agreed between the parties that the appeal site is located within the Buckshaw Village strategic site boundary, as identified in the Core Strategy which is identified for mixed use development. **It is also agreed that the appeal proposal therefore complies with Policy 1 – Locating Growth and Core Strategy Objective S01.**
- 7.2. Paragraph 24 of the Planning Manager's committee report (**CD 11.2**) confirms the following:
- "Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. The site is within the Buckshaw Village Strategic Site (Policy 1(ciii) – mixed use) where growth and investment will be concentrated in to help meet local housing and employment needs. The proposed development of 108no. dwellings clearly accords with this element of the development plan strategy for the area"*
- 7.3. Whist all of the most important policies within the Development Plan are regarded as being out of date because of the lack of a 5 year housing supply, I regard Policy 1 as being consistent with the aims of the NPPF insofar that it provides the adopted settlement hierarchy and direction of growth within Central Lancashire up to 2026 and therefore significant weight be applied to it. The NPPF does not provide an alternative to this and there is no indication from the Council that this part of the development plan is no longer fit for purpose.
- 7.4. In terms of the adopted Development Plan's settlement and development site hierarchy, it is important to recognise that Buckshaw Village sits high up within the top tier of growth distribution, with Policy 1 confirming that growth and investment will be '**concentrated**' in those locations named under parts a, b and c. This compares to 'some growth' afforded to those locations named in part d of the Policy (which notably also includes Euxton); and 'limited growth' to those settlements listed in part e and finally, small scale/limited infilling in other smaller villages as defined by Policy 11.
- 7.5. In accordance with this strategy and as planned, past housing delivery in the Borough has largely focused on Buckshaw Village and Chorley with each settlement delivering 29% (1,916 dwellings) and 28% (1,818 dwellings) of the net completions between April 2010 to March 2022¹ accordingly. The next highest delivering settlement is Coppull at 10.6% (327 dwellings) whilst Euxton has delivered 3.4% (222 dwellings).
- 7.6. Indeed, in both the Core Strategy² and Local Plan³, Buckshaw Village (and therefore the location of the appeal site) is where growth and investment in the Borough will be focussed and concentrated (including residential development), providing homes for

¹ See Table 4 of Chorley Housing Land Monitoring Report 2022 (page 5 of **CD 7.4**)

² See paragraph 5.35 of Central Lancashire Core Strategy (**CD 2.1**)

³ See paragraph 2.7 of Chorley Local Plan (**CD 2.2**)

8,000 people in a sustainable urban village. This would suggest in the region of 3,333 dwellings overall if a ratio of 2.4 people per household is applied.

7.7. Table 2.2 of the Chorley Housing Need and Demand Assessment 2022 (**CD 7.2**) indicates that based on 2021 Council Tax data, the number of dwellings in Buckshaw Village was 2,706 with 2,674 households formed. This is likely to exclude dwellings delivered in the South Ribble part of Buckshaw Village but seems to be in broad accordance with the original strategy for the settlement. However, even if the above figures have been exceeded, they are not cited as a cap or ceiling within the Core Strategy or Local Plan.

7.8. The justification for spatial approach applied by Policy 1 is summarised within the Sustainability Appraisal box positioned under the Policy on page 51 of the Core Strategy where it is stated:

'The option taken forward in this version of the Core Strategy is overall the most sustainable option identified:

- ***To spread growth and investment across an identified hierarchy with priority locations; and***
- ***To have the least negative impacts.'***

7.9. In light of this and the fact that Buckshaw Village is specifically identified for mixed use redevelopment of the former BAE site for housing and employment, I would suggest that this wider supportive site designation must be appreciated even if there is limited conflict with other parts of the Core Strategy. The wider mixed use designation and spatial strategy in itself arguably triggers the positive approach towards decision making as set out in Policy MP of the Core Strategy and part C of paragraph 11 of the Framework meaning the proposal should be approved without delay.

7.10. Whilst I accept that other development management policies also need to be considered, the principle of residential development on the site is not only consistent with the overarching spatial and development strategy within the adopted development plan for the area, it is clear that its redevelopment for housing will help with the objective of spreading growth and investment across the Central Lancashire Area and lead to the least harmful impacts when compared than other spatial and development options tested during the preparation of the Core Strategy. Taken at face value, it is therefore hard to compute the significant and demonstrable harm that is required to warrant the development being refused under part D(ii) of paragraph 11 in the Framework.

Compliance with Policy V2

7.11. The appeal site is also located entirely within the defined settlement boundary of Euxton and is therefore also compliant with **Policy V2 – Settlement Areas**. This policy applies the presumption in favour of appropriate sustainable development within existing settlements (subject to material planning considerations and other policies within the plan). The justification for this policy confirms the following at paragraph 2.12:

'The full utilisation of land and buildings within settlement areas will help to ensure a better use of services and utilities, and can help reduce development

pressures in the Green Belt. In addition the concentration of facilities in towns and villages can help to improve accessibility. In order to protect the character of the local area, it is important that new development respects local distinctiveness and does not adversely affect existing open spaces.'

- 7.12. In response to this justification for Policy V2, the appeal site is a brownfield, previously developed site and is located in a highly accessible location. Its redevelopment for housing will help reduce development pressures in the Green Belt by utilising the site more effectively and efficiently and help address a development need that arises now.
- 7.13. Parts of Buckshaw Village do still fall within the Green Belt based on the original status of the former Ordnance Survey site. These areas are restricted to parts of the Buckshaw Village site that are located to the north of the railway line. The Green Belt is also located to the south of Euxton Lane and well beyond the eastern boundary of the appeal site and beyond the built facilities of Preston Football Club's Training Ground.
- 7.14. As previously noted, a small part of the appeal site to the front/south of the existing office building is identified on the Proposals Map as Existing Sport and Recreation Facilities (Green Belt). However, it is agreed between the parties within the SOCG that this is a cartographic error and that the site is not within the Green Belt nor has it been used for sporting or recreational use. It is agreed that the Green Belt designation is a light coloured green wash on the Proposals Map which does not cover any part of the appeal site.
- 7.15. As such, the appeal site is in a location where the Council seek to direct the delivery of new homes in accordance with Policy 1 and V2 of the development plan.
- 7.16. With regard to local distinctiveness and character points, I address this in more detail in **Sections 9 and 10** of my evidence but to summarise my position, I recognise that redevelopment of the site for residential purposes will introduce new housing close to existing employment uses. However, this represents the existing distinctive character of Buckshaw Village and how it has been masterplanned across those parts that have already been redeveloped. Indeed, the area has been purposefully designed with residential development sitting in close proximity to a range of commercial and employment uses thereby encouraging sustainable travel patterns (see photographs and plan at **Appendix 5** of my evidence). The re-use and redevelopment of the appeal site is no different in this regard.
- 7.17. To illustrate this point further, I consider that it is helpful to understand the background to Buckshaw Village and its evolution over the last two decades in terms of how it has been developed in order to understand the site's context.

Background to Buckshaw Village

- 7.18. Following the closure of the former Royal Ordnance Factory (ROF) site in the 1990s, which was last occupied by BAE, Buckshaw Village has been promoted and developed into a large mixed-use, residential and employment led development.
- 7.19. Aerial imagery of the area taken in the year 2000 (see first image at **Appendix 6** of my evidence) confirm the area to the north of the railway line remained largely in its pre-war state as a former munitions filling factory constructed prior to Second World War.

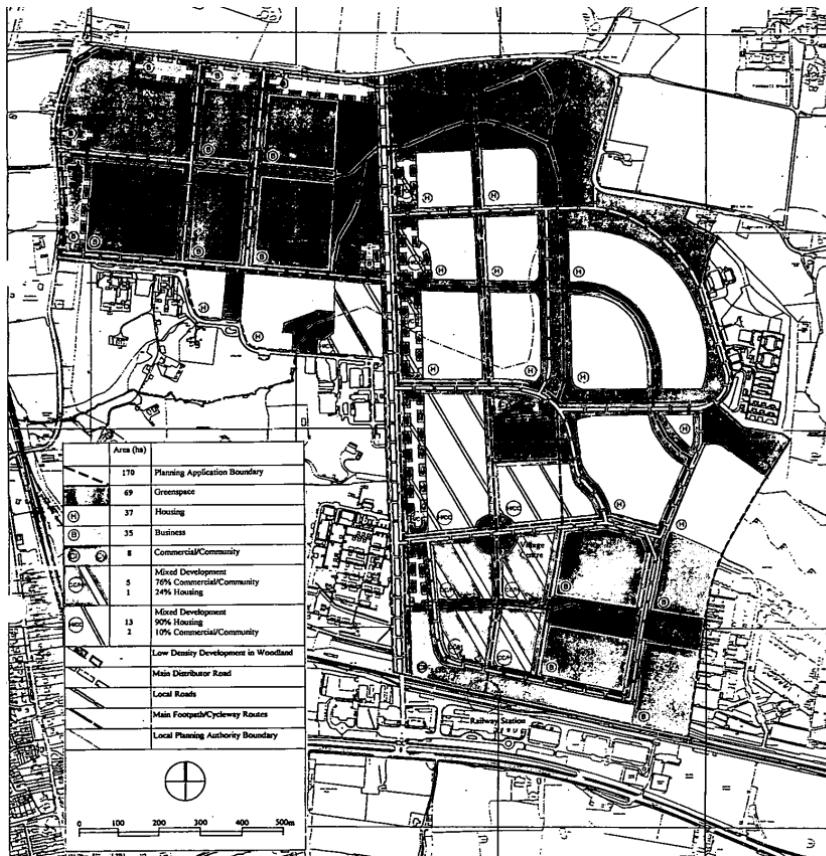
However, comprehensive redevelopment of the area commenced shortly after this and progressed at pace over the following two decades (see subsequent aerial images for the years 2005, 2007, 2009, 2013, 2015, 2017, 2018, 2020 and 2022 also provided at **Appendix 6** of my evidence).

- 7.20. The majority (albeit not all) of land parcels that were masterplanned and allocated across the Buckshaw Village area are now largely developed. However, what is evident is that the land to the south of the railway line including the appeal site, has remained largely unchanged over this period.
- 7.21. The planning history for Buckshaw Village is understandably extensive, therefore only the key applications are covered here. Starting with the original outline consent that was granted in August 1999 (Reference: 97/00509/OUT), the following development was approved:

"Outline application for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities & rail station) & indication of junction improvements on surrounding road network"

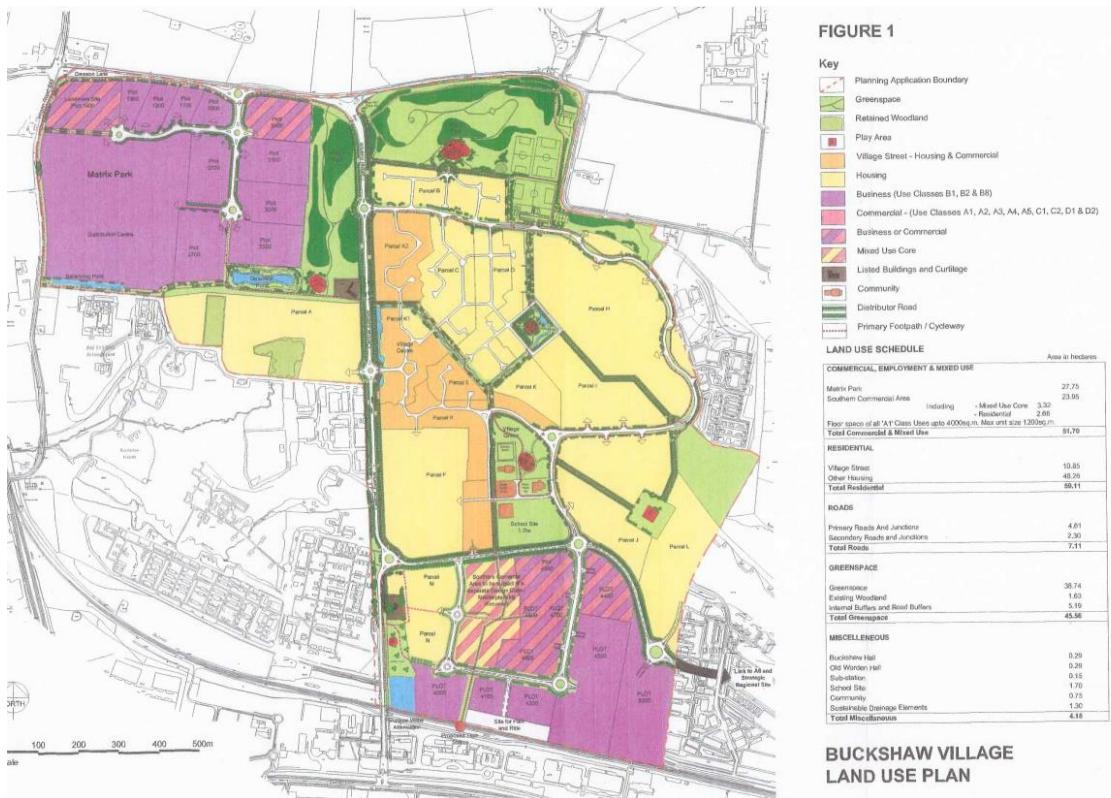
- 7.22. The approved Land Use Plan (516/O2B), listed at condition 19 (and replicated below at **Figure 7.1**) clearly illustrates how the DXC site was not included within the Masterplan Area for the site.

Figure 7.1 – Approved Land Use Plan: Application 97/00509/OUT



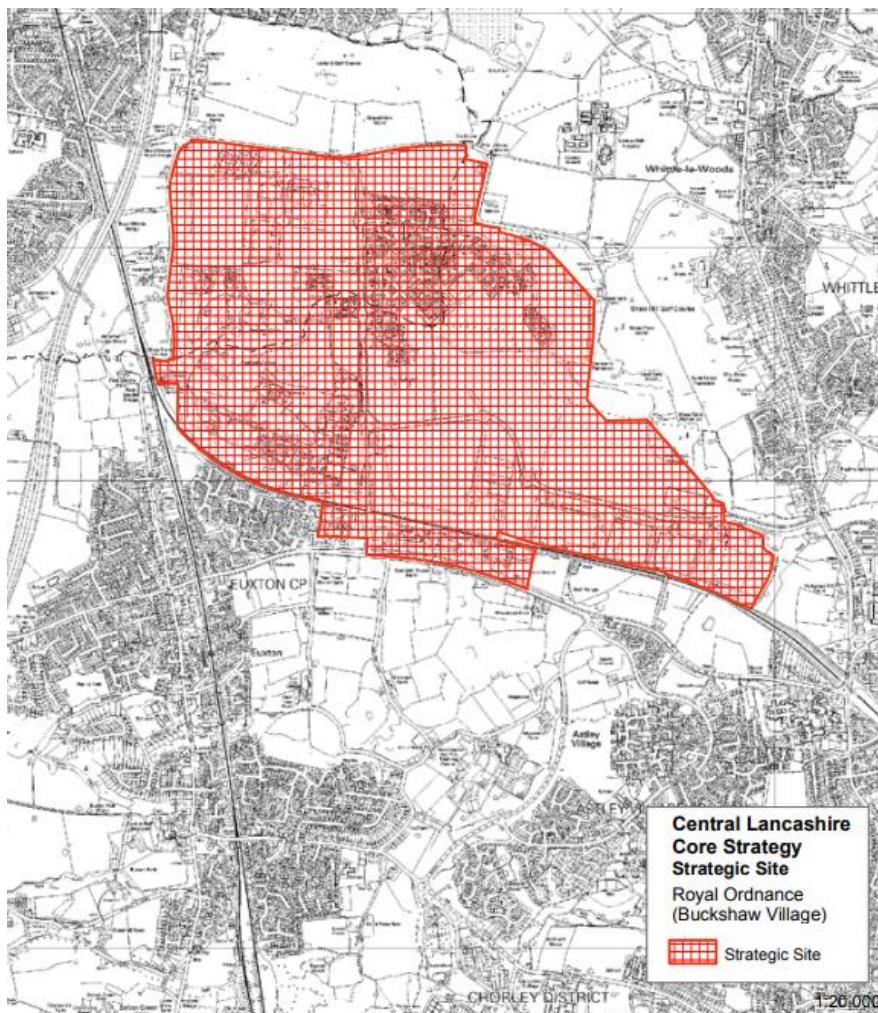
- 7.23. Condition 24 required a detailed design code to be submitted prior to the commencement of development. Whilst we have not been able to source the Design Code, Paragraph 2.1 of the 1998 committee report for the application notes the following, which is relevant to the appeal site:
- 'The Royal Ordnance (RO) site is a former munitions filling factory constructed prior to Second World War, and the majority of the site is now surplus to requirements. The application site measures 170 hectares, whereas ROS land ownership of the site totals 335 hectares. It is intended that RO will retain an area in the south west corner of the total site as a research and development centre, as well as some of the buildings south of the Preston-Manchester railway line.'**
- 7.24. The DXC site, located to the south of the railway line, again therefore does not appear to have been included in the plans for Buckshaw Village from the beginning and was evidently left as an area where RO could decant their last remaining needs before departing from the site altogether.
- 7.25. The 1998 committee report also confirms that the principle of redeveloping the RO site on the basis of a mixed-use development was established in the Lancashire Structure Plan 1991-2006, which identified the site as a strategic location for development under Policy 6 (c). No detailed map of the boundaries of the ROF development site were provided within the Structure Plan, only a high-level location on the Key Diagram map.
- 7.26. The 1998 committee report also confirms that the Chorley Borough Local Plan that was relevant at the time mainly pre-dates the proposals for the ROF site, as well as the Structure Plan. A copy of the previous Chorley Local Plan is not available online, but the committee report notes that Policy E4 (which covered part of the application site) stated that the Buckshaw Village site was suitable in principle for employment purposes.
- 7.27. Later planning consents such as application O2/00748/OUTMAJ further confirm that the DXC site was never included within the Masterplan area for Buckshaw Village (see **Figure 7.2 overleaf**), therefore was never relied upon to specifically deliver new housing and employment development envisaged for Buckshaw Village.

Figure 7.2 – Masterplan for planning application 02/00748/OUTMAJ



- 7.28. Buckshaw Village Railway Station re-opened on 3rd October 2011.
- 7.29. The Central Lancashire Core Strategy (covering Preston, South Ribble and Chorley) was subsequently adopted 2012 (**CD 2.1**) and covers the plan period 2010–2026. This superseded many of the saved polices of the Chorley Borough Local Plan Review 2003.
- 7.30. The Core Strategy confirms Growth Point status was afforded to Central Lancashire by the Government at the time and various sources of funding were made available through this including £3.3m for Buckshaw Train Station (see paragraph 5.11 and 7.13 of the Core Strategy).
- 7.31. As previously noted, Policy 1 of the Core Strategy confirmed that Buckshaw Village is one of 4 strategic sites identified in the City Region (the other three being: Cuerden, BAE Systems Salmesbury and Cottam). The Plan at Appendix B of the Core Strategy (copied overleaf at **Figure 7.3**) confirms that the DXC site is included within the strategic site designation, with the base plan illustrating some commencement of the wider redevelopment of the Buckshaw Village mixed use scheme.

Figure 7.3 – Central Lancashire Core Strategy Plan of Buckshaw Village



- 7.32. It is clear from the aerial images at **Appendix 6** of my evidence that development was further advanced at the point of adoption.
- 7.33. Policy 1 – Locating Growth of the Core Strategy does not provide a specific quantum of employment development to be provided. However, the Spatial Strategy of the Core Strategy (Section 5) does provide further details. In particular, Table 1 in the Core Strategy (page 42) confirms that Buckshaw Village will deliver 2,300 dwellings over the plan period (2010 to 2026) with 1,500 dwellings between 2010–2016, 500 dwellings between 2016–2021 and 300 dwellings between 2021–2026.
- 7.34. Paragraphs 5.35 to 5.38 also state the following:

'5.35 Buckshaw Village is a mixed-use, brownfield development site that spans the boundary between South Ribble and Chorley to the north of Euxton. It is located on the site of a former Royal Ordnance munitions factory which closed in the 1990s. There is already considerable public and private investment in the site and the scheme will ultimately house up to 8,000 people in a sustainable urban'

village. About 1730 dwellings have been completed up to April 2010, and there is capacity for a further 2300 dwellings.

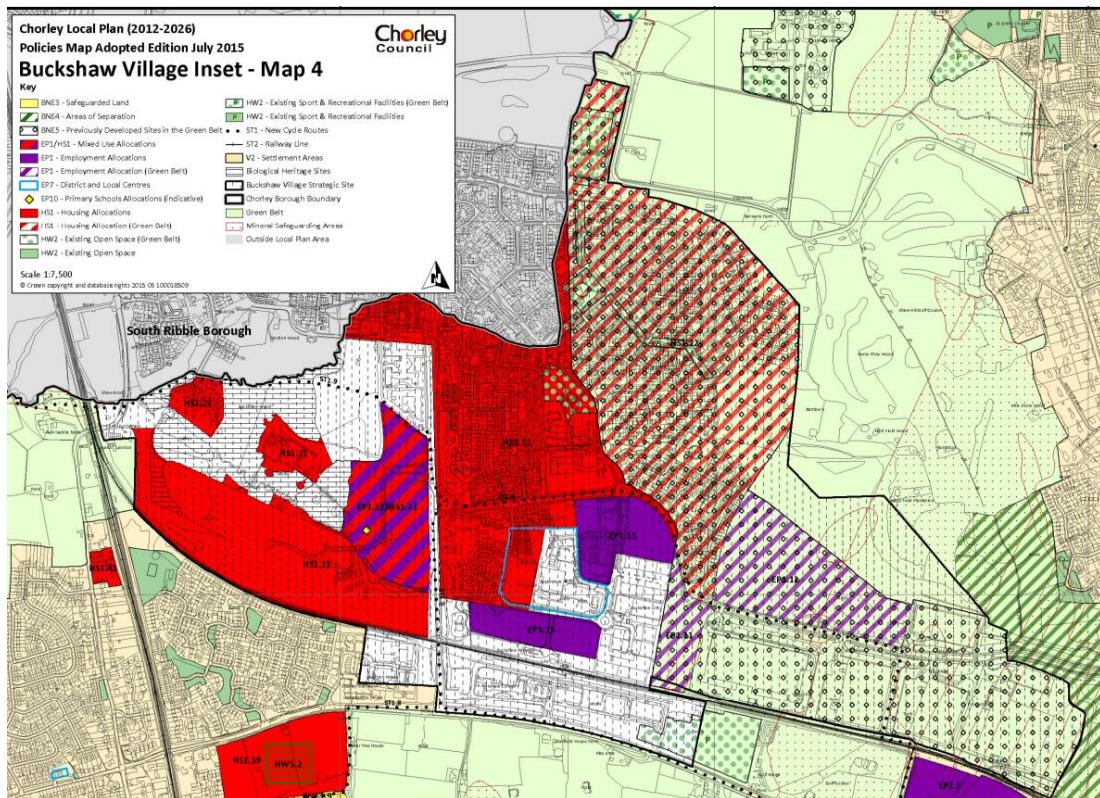
5.36 Matrix Park, Southern Commercial and the Revolution regional investment site are being developed to create substantial employment growth at Buckshaw, with a total of 65 hectares remaining for commercial and other uses. All parts of the Village are or have the potential to be ranked as 'Best Urban' according to the Employment Land Review (see chapter 9 for more details).

5.37 The land at Buckshaw Village is highly accessible, being in close proximity to the M6 and M61 motorways. The area also has a regular bus service, cycle and footpath routes, and a railway station and park and ride on the Preston – Manchester line, opened in October 2011. Development of the site will not be completed before 2020. The scale of the site means that Buckshaw will contribute significantly to growth through housing and employment provision in Chorley and South Ribble. Community facilities have been provided as has Strategic Green Infrastructure.

5.38 Some of the infrastructure for this site has already been provided, including a primary school. A health centre is planned, which has funding. Additional primary school accommodation will be required.

- 7.35. Policy 9 (economic growth and employment) also notes how major developments for employment will be located at regionally significant schemes including Buckshaw Village. However, no development quantum is provided, which was left to the Chorley Local Plan and I note that paragraph 5.27 of the Core Strategy states the following:
- 'Development of these Sites and Locations will help ensure that the overall Strategy and Vision are achieved. Development has begun at three of them (Cottam, Buckshaw Village and BAE Systems, Samlesbury) under detailed planning permissions; site specific guidance will be prepared for the Cuerden site. Implementation proposals for the Strategic Locations will be addressed in the Site Allocations Development Plan Documents or individual Area Action Plans (AAP). Full consultation will be carried out as part of the preparation of these documents.'*
- 7.36. The Chorley Local Plan was subsequently adopted in July 2015 and replicates the Core Strategy plan period between 2012–2026 and retains the Buckshaw Village site boundary as defined in the Core Strategy. The accompanying proposals map (**CD 2.2.1** and replicated at **Figure 7.4** overleaf) allocates a range of sites for employment, housing and mixed use development. Paragraph 2.7 of the Local Plan re-affirms that Buckshaw Village is a strategic site where growth and investments will be focused with the scheme ultimately providing homes for up to 8,000 people.
- 7.37. As previously noted and depicted, the DXC site is not formally allocated or designated for any specific use and simply included within the boundaries of the wider strategic site. I highlight this because had the Council wished to designate or allocate the appeal site specifically for employment use, this would have been the time to do so (as advocated by the Core Strategy). Notably, the Council have also not sought to allocate the site for employment use in the recently published Regulation 18 Draft Central Lancashire Core Strategy (**CD 5.1**) at page 76, but have listed a range of other potential employment sites within Chorley (which I comment on further below).

Figure 7.4 – Chorley Local Plan Buckshaw Village Proposals Map



- 7.38. Policy EP1 (Employment Site Allocations) of the adopted Local Plan confirms that 26.96 ha of employment land is formally allocated and protected for such use at Buckshaw Village and these locations are clearly illustrated on the Proposals Map (copied above at **Figure 7.4**).

Buckshaw Village: Strategic Site

EP1.11 The Revolution	13.80	B2, B8
EP1.12 Group 1	5.40	B1, B2,
EP1.13 Southern Commercial	7.76	B1, B2, B8
	26.96	

- 7.39. These employment sites and other existing employment areas within Buckshaw Village sit side by side with residential development. This is a key characteristic of Buckshaw Village. This relationship contributes positively to the settlement's sustainability by providing the opportunity for employees to walk and cycle to work and greatly assists with the viability aspects of delivering employment development, as recognised by paragraph 9.9 of the Core Strategy (page 85). The mixed use / viability point was also clearly a relevant consideration in allocating a number of the employment sites in the Local Plan, as highlighted at paragraph 6.8 (page 33)
- 7.40. This close relationship between residential and employment uses also informs the developed character and visual appearance of Buckshaw Village as illustrated by the plan and photographs at **Appendix 5** of my evidence, which are taken at the following locations and where I consider the Inspector should visit during the course of the appeal process:

- Roundhouse Court, Buckshaw Village (see page 6 of **Appendix 5**).
 - Buckshaw Avenue Roundabout (see page 6 of **Appendix 5**).
- 7.41. To conclude on the background, Buckshaw Village has been a success story for the Council and is now largely complete. It has delivered strategic employment and housing growth. The vast majority of existing employment land now accommodates new, modern employment floorspace and large areas once used employment have established new residential neighbourhoods and communities. Whilst some of the employment and mixed use allocations and parcels identified on the Local Plan Policies Map remain undeveloped (which I address in more detail in subsequent sections of my evidence), the strategic Buckshaw Village site is arguably now +90% complete. Indeed, this is confirmed at paragraph 3.3 of the emerging Central Lancashire Local Plan at paragraph 3.3 (**CD5.1**), where it states:
- 'The Strategic Location in Chorley, Buckshaw Village, is now nearing completion and expected to be completed by the time of the adoption, as such this does not feature in the priority locations going forward.'***
- 7.42. In contrast, however, throughout the history of the Buckshaw Village site proposals, the appeal site has remained unplanned for and is one of the last remaining buildings within the settlement that was previously occupied by Royal Ordnance / BAE. The result is that the landowners are now left with a single, outdated office building that pre-dates the adopted Development Plan by decades. Not only that, it is already a building that has undergone a transformational re-use from warehouse to offices. It is now a building that has genuinely come to the end of its useful life and the site requires redevelopment and repurposing.
- 7.43. With Buckshaw Village identified as a mixed use site within the Core Strategy, it is my strong view that this provides positive flexibility when considering its re-use for residential development within a new settlement that has undergone significant transformation over the last 20 years where new housing and employment development evidently sit side by side.
- 7.44. The redevelopment of this site for the proposed use will simply reflect the ongoing transformation of the area that has taken place over the last two decades at a time when it can positively contribute to the Chorley's housing needs (and current significant shortfall when measured against the local housing need figure a the 5 year supply requirement). Moreover, it will help meet acute affordable housing needs that are evidenced within the settlement, which I now address in the following section.

8. Delivering Homes

Agreed Position in relation to the requirement and supply of homes

8.1. Within the General SOCG (CD 14.1), at paragraphs 8.1 and 8.5, the following is agreed:

'8.1. Based on the "The Five Year Housing Land Statement for Chorley, June 2022", as at 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings providing a 3.3 year deliverable housing supply over the period 2022 – 2027, based on an annual housing requirement of 569 dwellings, which includes a 5% buffer.

8.2. The Appellant considers the 3.3 year supply is a maximum amount but for the sake of this appeal process, is willing to accept this position in light of the agreements applied below at paragraphs 8.3–8.5.

8.3. NPPF Paragraph 11 d) footnote 8 is applied and Central Lancashire Core Strategy Policies 10 and 17 are therefore out of date.

8.4. The presumption in favour of sustainable development and the 'tilted balance' as set out at paragraph 11(d) of the NPPF is engaged and applies to the appeal proposals.

8.5. The shortfall in housing supply is significant and significant weight can be attached to the delivery of new housing, the proposed new use for the appeal site.'

8.2. Based on the above agreement, I do not present significant levels of evidence on the housing need and supply position within Chorley but do believe some additional context at the national and local level warrants consideration to support this agreed position, particularly when justifying the significant weight to be applied to the delivery of additional market and substantial weight to be given to the delivery of more affordable homes within Chorley.

8.3. This context is also particularly important in considering the ongoing relevance of other policies cited by the Council as part of their reasons for refusal.

Summary of Current National Policy Position and the National Housing Crisis

8.4. Paragraph 60 of the NPPF reaffirms the Government's longstanding objective of **significantly boosting** the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed.

8.5. Those words, 'significantly boosting', have been a key component of the NPPF since it was first introduced in 2012. As such, there can sometimes be a tendency to under-subscribe their ongoing importance but the clear message through the various iterations of the NPPF since then has remained resolute. Any changes to national policy since 2012 and in particular, the manner in which housing need and supply is to be measured has therefore always been drafted with the intention of ensuring the supply of homes is significantly boosted.

- 8.6. Indeed, the national housing crisis is well documented and evidenced in a vast array of documents, including in relation to its causes, its implications and the necessary response as briefly described below.
- 8.7. The housing crisis has arisen largely as a result of the discrepancy between the number of homes built and the need. The Barker Review in 2004 identified that there was a need to build circa 250,000 homes per annum nationally to prevent spiralling house prices and a shortage of affordable homes. However, in the period 2004 to 2012, an average of only 178,000 homes per annum were built.
- 8.8. The former NPPF was then introduced in 2012 containing the Government objectives to significantly boost the supply of housing and to meet housing needs. However, in the period from 2012 to 2016, an average of only 155,000 homes per annum were built.
- 8.9. As a result of the continued shortfall against the need identified in the Barker Review, the Select Committee on Economic Affairs to the House of Lords identified a need to deliver 300,000 homes per annum in the Building More Homes report, July 2016. This number has been confirmed as being needed by the Government in the Budget 2018, the Technical Consultation on Updates to National Planning Policy and Guidance, October 2018 and Planning for the Future, March 2020. In the period 2016–18, an average of 210,000 homes were built.
- 8.10. In response, the Government published a new NPPF in 2018 which subject to minor revisions in 2019 and 2021 is consistent with the current NPPF¹¹. This seeks to address the under-delivery of housing and the existing backlog in housing supply through a number of mechanisms including the use of the standard method for calculating the minimum local housing need and the use of a more realistic and balanced definition of a deliverable site. In the period 2018–21 an average of 234,000 homes have been built which represents a significant improvement but remains substantially below the identified need for housing. The balance of need and supply is presented graphically in Figure 8.1 and the cumulative shortfall is presented in Figure 8.2 of my evidence.
- 8.11. This demonstrates that housing supply nationally has not come close to meeting needs over the previous 15 years in any single year and also illustrates that there is a substantial cumulative shortfall in housing supply. Indeed, since 2004 there have been a total of 3,188,961 completions as compared to a need for 4,250,000 based on the need for 250,000 identified in the Barker Review. This equates to a shortfall in the delivery of over a million homes in 17 years.

Figure 8.1 – A comparison of need and supply nationally

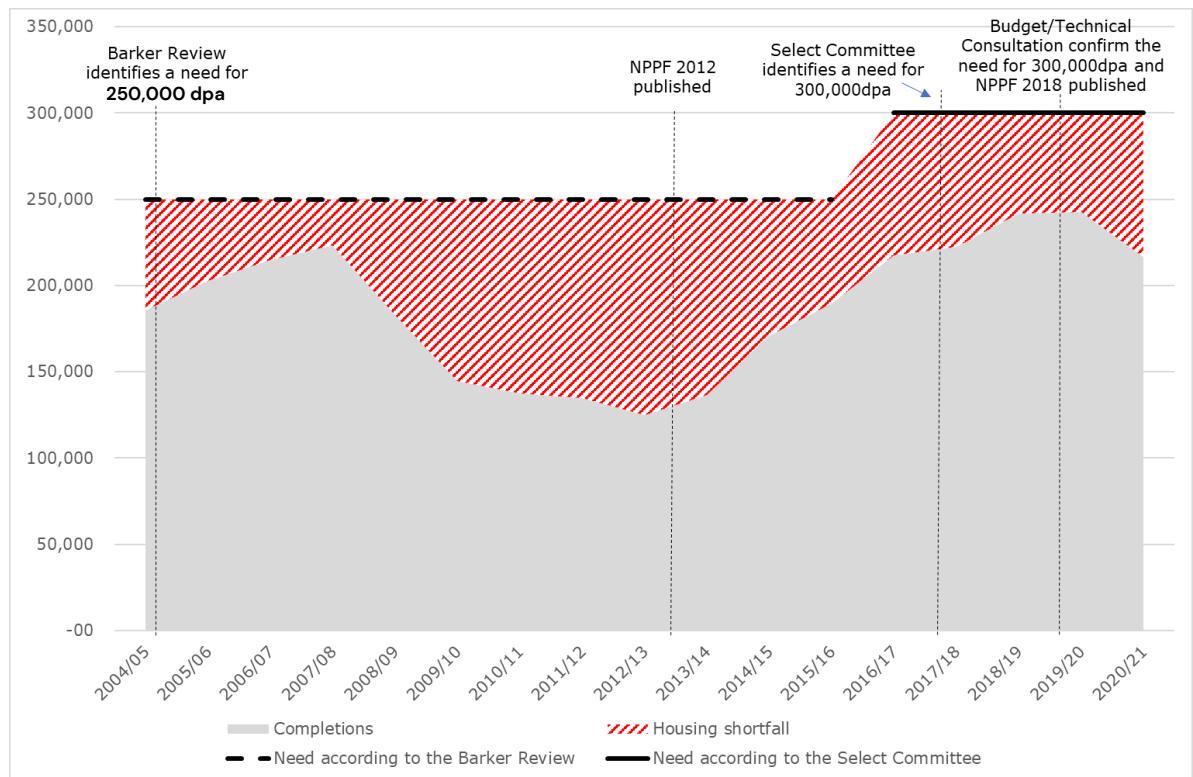
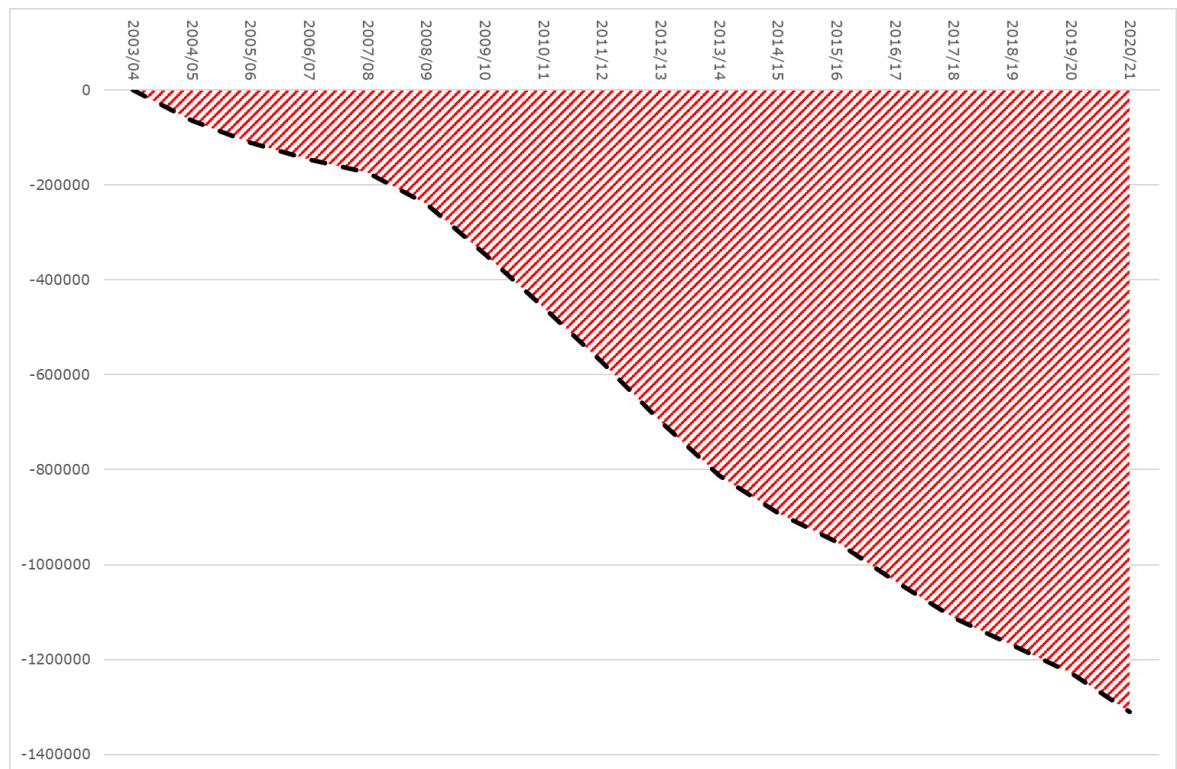


Figure 8.2 – National Cumulative Shortfall in Housing



- 8.12. As housing need has significantly exceeded the supply, the greater competition for those houses that do exist has had an uplifting effect on the average market value of properties with adverse implications on the accessibility of the housing market to households. There are many statistics which demonstrate the decreasing accessibility of the market including (but not limited to):
- The lower quartile house price to lower quartile earnings ratio increased from 6.27 to 8.04 from 2004 to 2021 in England according to the DLUHC;
 - The median house price to median earnings ratio increased from 6.60 to 9.05 from 2004 to 2021 in England according to the DLUHC;
 - The average house price across the UK increased from £153,482 in 2004 to £247,535 in 2021 according to Nationwide;
 - The percentage of overcrowded households has increased from 2.5% to 3.5% from 2003/044 to 2019/20 in England according to the DLUHC;
 - The number of concealed families has increased from 161,254 in 2001 to 275,954 in 2011 across England according to the Census; and
 - The number of households living in shared dwellings has increased from 65,998 in 2001 to 77,955 in 2011 across England according to the Census.
- 8.13. It is clear that housing supply was not meeting housing need under the former NPPF and whilst the position has improved there remain substantial shortfalls with significant adverse effects on accessibility. These effects manifest themselves in real households facing real difficulty and often being unable to access appropriate housing. Indeed, this is perfectly articulated in a November 2022 appeal decision in Billericay⁴, where the Inspector commented on this matter at paragraph 30 of the allowed appeal decision:
- "It is important to remember that there are real world implications from the under-delivery of homes, including increased house prices, decreased affordability and an increasing number of individuals and families being forced to remain in unsuitable accommodation for their current needs. I therefore place very substantial positive weight on the proposed 26 open market homes."*
- 8.14. Clearly the granting of this application will only make a small contribution towards addressing the national crisis, but the national crisis will only be addressed if positive collective decisions are made towards the delivery of new homes, particularly where they are proposed in sustainable locations and more so where the Council is unable to demonstrate a year supply of housing or where the adopted local plan is out of date. Indeed, it is this national context that contributes to the significant weight that should be afforded to the delivery of new homes. That requires making decisions that are not

⁴ Appeal Reference: APP/V1505/W/22/3296116, Decision Date: 11th November 2022 (contained at Appendix 7).

always entirely consistent with every single policy of the adopted development plan for an area.

The Local Context

- 8.15. As set out above, there is a national housing crisis, which is causing real harm to real households. These issues are more pronounced in some areas than in others.
- 8.16. The adopted Development Plan for Chorley containing the Borough's housing requirement (i.e. the Central Lancashire Core Strategy) was submitted for examination prior to the publication of the first 2012 NPPF and was adopted at a point in time with the Regional Spatial Strategy for the North West (**CD 4.1**) was still in effect and formed part of the statutory Development Plan for the area.
- 8.17. It contains a housing requirement for 6,672 homes (or 417 dpa) to respond to the needs of Chorley over the period 2010–26. Due to a shortfall that existed at the time (at April 2010), a further 162 dwellings was added to Chorley's requirement over the plan period to take it to 6,834 dwellings⁵.
- 8.18. The cumulative net dwellings completed between April 2010 and March 2022 are stated to be 6,544 (see Table 2 in Housing Land Monitoring Report).
- 8.19. What is immediately apparent, however, is that the adopted housing requirement of 417 hpa, (which stemmed directly from the now revoked Regional Spatial Strategy) did under-estimated the need for housing in Chorley, which according to the standard method is at least 542hpa (without any buffer applied), which is some 30% greater than the requirement in the adopted plan.
- 8.20. The overall policies within the adopted development plan for the area were therefore designed to respond to a need for 417 hpa and do not therefore provide sufficient scope to address the current minimum local housing need for hpa by a substantial margin. As such, it will inevitably be the case that in order to address the current need for housing, developments which do not strictly accord with the policies of the development plan for the area will need to be approved. That position has indeed been the case as demonstrated by the various recent appeal decisions (as listed below and all relate to greenfield sites located outside of existing settlement boundaries).

Relevant Housing Appeal Decisions in Chorley

- 8.21. The following appeals decisions are relevant in so far that they articulate the weight to be afforded to Policy 4 in the adopted Core Strategy and the fact that it is now out of date in the context of the Local Housing Need requirement in Chorley and the weight that should be afforded to housing proposals on sites not allocated for residential development:

⁵

- APP/D2320/W/21/3275691 – Land adjacent to Blainscough Hall, Blainscough Lane, Coppull, Chorley (**Appendix 8**) – Inquiry held October 2021 and decision issued 3rd February 2022⁶.
- APP/D2320/W/21/3272310 – Land to the East of Tinklers Lane, Eccleston and APP/D2320/W/21/3272314 – Land to the North of Town Lane, Whittle-le-Woods (**Appendix 9**) – Inquiry held August 2021 and decision issued 18th February 2022⁷.
- APP/D2320/W/21/3284702 – Land south of Parr Lane, Eccleston, Lancashire (**Appendix 10**) – decision issued 17th March 2022⁸.
- APP/D2320/W/21/3284692 – Land off Carrington Road, Adlington, Lancashire (**Appendix 11**) – decision issued 17th March 2022⁹.

- 8.22. In each case, it is confirmed that the Standard Method should be utilised to determine the local housing need figure given the adopted requirement is more than 5 years old.
- 8.23. In each decision, the relevant Inspector afforded significant weight to the benefits of housing delivery in the face of the Council not being able to demonstrate a 5 year supply of housing.
- 8.24. Whilst all were determined in the context of the Council being unable to demonstrate more than 3 years of housing supply (with a 5% buffer), I do not consider this changes the fact that significant weight should still be afforded to the delivery of new homes within Chorley so a 5 year supply can ultimately be reached. Indeed, this position is agreed within the General SOCG (CD 14.1 **paragraph 8.5**).
- 8.25. I also believe that it is critical to note that each of the above appeal sites are located outside of a defined settlement boundary and on undeveloped greenfield land. Moreover, all of the appeal sites are identified as Safeguarded Sites within the Chorley Local Plan that were not originally intended to be brought forward for development until beyond the adopted plan period and after a Local Plan Review under policy BNE3. This is relevant insofar that it demonstrates that other Inspectors have concluded that Chorley does need to take critical action to meet its current housing requirements.
- 8.26. My strong professional opinion is that the paragraph 143(d) of the NPPF (and Policy BNE3) provide a much stronger and clear policy position towards the timing, delivery and protection of Safeguarded Land compared to the position applied to this appeal site which is previously developed, brownfield site located within a settlement boundary within the Buckshaw Village strategic location for mixed use development (including housing and employment), where it is agreed that paragraph 123 is a key policy consideration.

⁶ See paragraph 88.

⁷ See paragraph 83.

⁸ See paragraphs 2 and 15

⁹ See paragraphs 2 and 14.

Chorley's Five Year Housing Requirement

- 8.27. It is agreed in the General Statement of Common Ground (**see paragraph 8.1, CD 14.1**) that the Local Housing Need figure generated by the Standard Methodology is applicable to the determination of this appeal. It is also agreed that no weight can be afforded to the emerging Local Plan, which is currently at an early stage of production (regulation 18 stage). The Council's Local Housing Need figure is agreed in the SOCG at paragraph 8.1 where the annual requirement is 542 + 5% buffer = **569 dwellings per annum**.
- 8.28. This results in a requirement of **2,846 dwellings** between 2022 to 2027.

Chorley's Five Year Supply

- 8.29. Chorley Council's 2022 Five Year Housing Land Supply Statement (**CD 7.3**) states that the total five year supply available is **1,888 dwellings**. As agreed, this amounts to **3.3 years and a shortfall of 958 dwellings**. This shortfall is deemed to be significant by myself and the Council (**see paragraph 8.5 of CD 14.1**).
- 8.30. The deliverable homes are made up of the following forms of supply as presented at Table 7 on page 5:
- Allocated sites with planning permission = 726
 - Allocated sites without planning permission = 112
 - Windfall Sites of 10 or more dwellings with PP = 592
 - Windfall Sites of less than 10 dwellings within PP = 276
 - Windfall allowance = 182
- 8.31. I note that only **44%** are on housing sites allocated within the adopted development plan and **56%** are on windfall sites, which demonstrates the extent of 'unplanned' development within the Borough already.

Comment on Proposed NPPF Revisions in the Context of 5 Year Supply

- 8.32. I attach no weight to the Government's proposed consultation on the NPPF (which commenced in December 2022) on the basis that it is in draft form and the consultation period has not finished. Many representations are likely to be made including from the RTPI and various other professional bodies, businesses and individuals which the Government will need to consider before making any final changes to the Framework.
- 8.33. Notwithstanding this, I do provide some additional commentary at **Appendix 12** of my evidence should this matter be of interest to the Inspector and conclude that the Council cannot demonstrate a 4 year supply, let alone a 5 year supply of housing.

Affordable Housing

Proposed Affordable Housing and Compliance with Policy 7 of the Core Strategy

- 8.34. The appeal proposal will deliver a total of **13 affordable homes**. This represents **12%** of the total 108 homes to be delivered on the appeal site. It is agreed with the LPA that the provision of 12 affordable homes (11%) would be a policy compliant requirement in accordance with Policy 7 of the Core Strategy and paragraph 64 of the NPPF as set out at paragraph 8.16 of the General SOCG (**CD 14.1**).
- 8.35. Of the **13** affordable homes provided, **9 units will be social rented (69%) and 4 units will be intermediate affordable homes (31%)**. This will be captured in the Section 106 agreement provided by the Appellant. This aligns with the NPPF's requirement to see at least 10% of the affordable homes provided to be for affordable home ownership and the most recent affordable housing evidence for the Borough, which indicates a 70/30 split between rented and ownership¹⁰.
- 8.36. The provision of **13** affordable homes remains policy compliant even though **Policy 7** of the Core Strategy seeks a target of 30% requirement. Part a of Policy 7 confirms that this is subject to site and development considerations as financial viability and contributions to community services.
- 8.37. In this instance, the development proposal benefits from the use of Vacant Building Credit (VBC). Paragraph 64 of the 2021 NPPF states the following in relation to this:
- 'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.'*
- 8.38. Paragraphs 26 to 28 in the NPPG under the Planning Obligations section provide further guidance on the matter in the context of how VBC should be applied. In short, it is confirmed that the incentive of VBC is centred on brownfield redevelopment and the credit can be applied where an existing building is to be demolished and the credit will be applied to the existing gross floorspace. Any increase in floorspace may then be subject to the relevant affordable housing contribution.
- 8.39. As set out SOCG, at Paragraph 2.1 (2nd bullet point), there is agreement that the building is vacant further to the previous tenants breaking their lease clause to move elsewhere and this occurred in January 2022. As such, it follows that the building has not been made vacant for the purpose of this development proposal nor has it been abandoned.
- 8.40. The gross internal and external areas are agreed in the third bullet point of the SOCG (**CD 14.1**) as **6,254 sq m (GIA) and 6,464 sq m (GEA)** accordingly.
- 8.41. The NPPG is not clear in terms of what figure should be used and Chorley do not have any guidance on the matter but irrespective of what figure is used, the result is the

¹⁰ See paragraph 6.8 and C.38 in Chorley Housing Need and Demand Assessment 2022 (**CD 7.2**)

need for 11% affordable housing in line with the calculations set out in **Tables 8.1 and 8.2 below.**

Table 8.1 – Vacant Building Credit using GIA

Row	Factor	Amount	Calculation
A	Existing Floorspace of Vacant Building (GIA)	6,254 m ²	-
B	Proposed floorspace	10,059 m ²	-
C	Increase in floorspace	3,805 m ²	B – A
D	Standard Affordable Housing Requirement	30%	
E	Affordable housing requirement allowing for VBC	11.3 %	(C/B) * D

Table 8.2 – Vacant Building Credit using GEA

Row	Factor	Amount	Calculation
A	Existing Floorspace of Vacant Building (GEA)	6,465 m ²	-
B	Proposed floorspace	10,059 m ²	-
C	Increase in floorspace	3,594 m ²	B – A
D	Standard Affordable Housing Requirement	30%	
E	Affordable housing requirement allowing for VBC	10.7 %	(C/B) * D

- 8.42. As such, whilst only 11% affordable housing is required following the application of VBC, the Appellant has increased this offer to 12% resulting in the delivery of 13 affordable dwellings on site, which can be regarded as a positive benefit delivered by the appeal proposal.

Affordable Housing Need

- 8.43. Recent appeal decisions have confirmed there is a substantial affordable housing shortfall in Chorley. Indeed, the Blainscough Hall appeal decision (**see Appendix 8**) discusses Chorley's affordable housing needs at length. At paragraphs 89 and 90 of the decision, the Inspector concludes the following:

"89. The appeal scheme would also provide 37 affordable homes. This is in the context of a significant shortfall of affordable housing. The 2020 CLHS identifies an affordable housing need of 132 dwellings per annum in Chorley. Accounting for under delivery this amounts to an annualised need of 143 dwellings per annum. The Council's deliverable supply would at best deliver 424 affordable dwellings over the next 5 years, 85 dwellings a year. This equates to just under 60% of the affordable housing need in the borough.

90. It is notable that over the last 2 years there has been an increasing affordable housing need in the borough, demonstrated by the significant increase in households on the Council's housing register. This is likely to be because of the pandemic. As circumstances improve, it is uncertain that this rate of increase will continue. Nevertheless, it indicates a significant need for affordable housing, which on the basis of the current deliverable supply would not be met."

- 8.44. More recently, the Central Lancashire Housing Study dated September 2022 (**CD 7.2**) and prepared by SPRU / DLP Planning refers to a separate assessment carried out by Arc4 in relation to affordable housing needs. The affordable housing need for Chorley is summarised at paragraphs 2.67 and 2.68 of the SPRU / DLP Planning report which confirms the annual affordable housing need for the Borough is **113 dwellings** (net), with a split comprising of:
- 39% social rent,
 - 20% affordable rent,
 - 16% affordable home ownership; and
 - 25% First Homes (based on minimum requirement).
- 8.45. This compares to an annual affordable housing need of 296 dwellings in South Ribble and 377 dwellings in Preston. Across the wider sub-region, there is therefore an annual affordable housing need requirement of **786 per annum**.
- 8.46. All of the figures are significant and based on the Chorley requirement, the proposal would deliver 11.5 % of the annual requirement, which represents a significant contribution in itself.
- 8.47. Within Buckshaw Village itself, the Arc4 2022 Housing Need Assessment (**CD7.2**) confirms that the settlement has 2,706 dwellings and 2,674 households¹¹. The tenure existing tenure split is shown¹² to be 83% owner occupied and 9.9% privately rented with only **7.1%** as being affordable, which is a very low proportion given the relative age of the new settlement and half of the Boroughwide average which is **14.2%**. Indeed, 7.1% equates to just **190 existing affordable households**¹³ within Buckshaw Village which I consider to be low for a settlement of this size and relative age. Whilst I have not explored this in detail, one logical explanation could be that the redevelopment of the

¹¹ See Table 2.2 of **CD7.2** on page 23

¹² See Table 2.9 in **CD7.2** on page 31

¹³ 7.1% of 2,674 households

large, previously developed site and creation of a new settlement (with all of its associated new services and physical and social infrastructure) would have clearly taken a toll on the ability to viably deliver affordable homes in this location.

- 8.48. Perhaps most stark is the fact that of the **113 net affordable dwellings** needed each year within the Borough, a significant proportion of these are located within Buckshaw Village with **71 net affordable dwellings per annum required¹⁴**, equating to **63%** if the boroughwide affordable housing need. Indeed, Buckshaw Village is the standout settlement within the Borough where new affordable homes are evidently required, with the next highest demand being 23 dwellings per annum in Clayton Brook/Clayton Green. This is partly a product of the low annual affordable housing supply that is generated from the existing affordable households within the settlement, which is shown to be just 12 per annum and seemingly reflects the low levels of affordable housing stock and relatively high population and house prices within the Settlement.
- 8.49. The need for affordable homes in Buckshaw Village over the next five years is therefore particularly acute with **355 affordable dwellings required**. This represents a significant material consideration.

Housing Register Figures

- 8.50. Table C9 on page 124 of the Chorley Arc4 Assessment (**CD7.2**) confirms there are 850 households on the housing register in Chorley. I consider this in itself demonstrates a pressing need for more affordable homes to be developed in the area.

Affordability Ratios

- 8.51. Affordability ratios are relevant insofar as they provide an indication of the affordability of housing within each Borough compared to average annual earnings. They also form part of the formula applied within the Standard Methodology and comparisons between years can help demonstrate if the position in an area is improving or not.
- 8.52. The following affordability ratios were recorded in Chorley, South Ribble and Preston in 2020 and 2021 demonstrating there was between a 10%-15% worsening across the sub-region and 12% within Chorley between these two years.

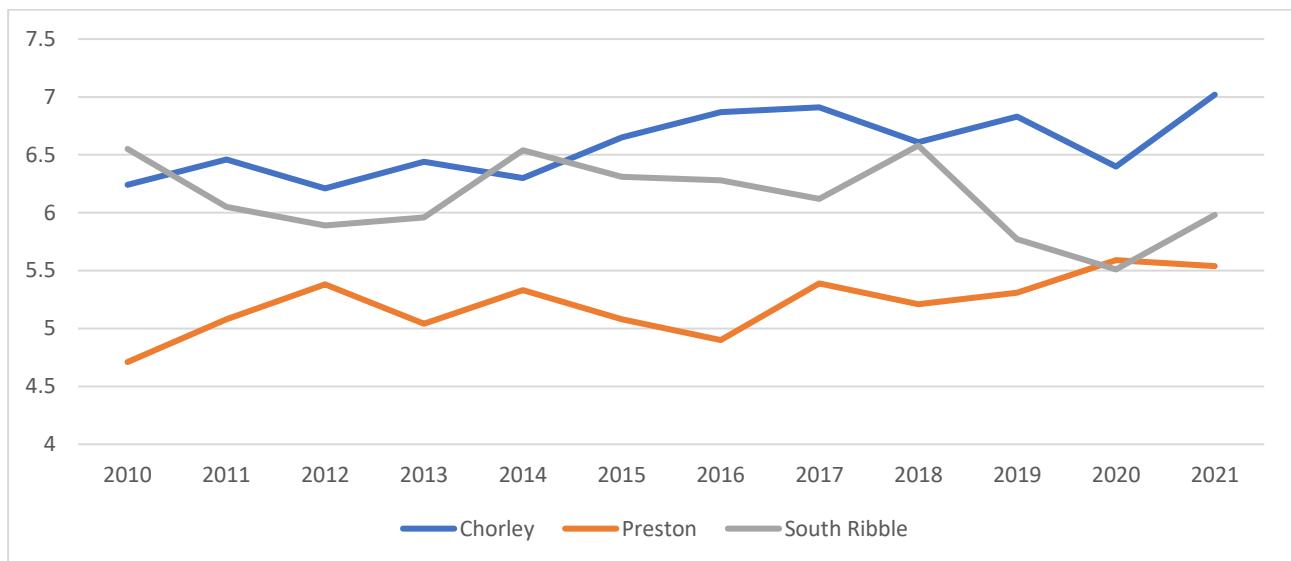
Borough	2020 AR	2021 AR	% change
Chorley	6.28	7.02	+12%
Preston	4.82	5.54	+15%
South Ribble	5.43	5.98	+10%

- 8.53. Over the course of the plan period from 2010, Chorley's affordability ratios have fluctuated from a low of 6.24% in 2010 to a high of 7.02% in 2021 but there is an upward

¹⁴ See Table C8 in **CD7.2** on page 123

trend as illustrated in **Figure 8.3** below and the ratio in 2021 is the highest it has been since the start of the adopted plan period. In most years during this period, the affordability ratio in Chorley has also been higher than the other two authorities.

Figure 8.3: Chorley, Preston and South Ribble Affordability Ratios



Weight to be applied to the Affordable Housing Delivery

- 8.54. Whilst I appreciate an Inspector's recent appeal decisions issued on 3rd February 2022 (ref: APP/D2320/W/21/3275691) (**Appendix 8**) only applied 'significant weight' to the delivery of affordable homes, this was in the context of improving affordability within the Borough demonstrated by the change in the affordability ratio used to calculate Local Housing Need. Based on the data that was available at the time (i.e. the 2020 figure which was below the ratio in the prevailing 5 years), I can see how such a conclusion might have been arrived at. However, as noted above, the 2021 affordability ratio figures suggest otherwise and a sharp rise between the 2020 and 2021 figure.
- 8.55. Moreover, since that decision was issued and the more recent publication of the 2021 affordability ratios, significant changes to the worldwide and national economy have arisen. Russia invaded Ukraine on 22nd February 2022 and we have seen 3 changes in our Prime Minister since this decision was issued. We have also seen significant rises in inflation, interest rates and other essential household bills since this decision. Whilst Covid clearly had an impact on the economy prior to all of this, households were significantly cushioned by furlough payments provided to employers and the self-employed and extended and supportive legislation on mortgage repayment holidays and tenancy arrangements.
- 8.56. Indeed, the Bank of England base rate was **0.1%** in November 2021 when the above appeal inquiry took place and it stood at **0.5%** in February 2022 when the decision was issued. It now stands at **3.5%** and could continue to rise.
- 8.57. Inflation rates rises over the 12- month period to November 2022 also rose to **9.3%** based on Consumer Price Index, including owner occupiers housing costs (CPIH) which accounts for housing and household services costs. Inflation based on the Consumer

Price Index (CPI) was even greater at **10.7%**. By comparison, the same indexes stood at **4.6%** and **5.1%** in November 2021.

Table 1: CPIH, OOH component and CPI index values, and annual and monthly rates
UK, November 2021 to November 2022

		CPIH Index (UK, 2015 = 100)	CPIH 12- month rate	CPIH 1- month rate	CPI Index (UK, 2015=100)	CPI 12- month rate	CPI 1- month rate	OOH Index (UK, 2015=100)	OOH 12- month rate
2021	Nov	114.1	4.6	0.6	114.5	5.1	0.7	110.8	2.1
	Dec	114.7	4.8	0.5	115.1	5.4	0.5	111.2	2.2
2022	Jan	114.6	4.9	0.0	114.9	5.5	-0.1	111.6	2.4
	Feb	115.4	5.5	0.7	115.8	6.2	0.8	111.8	2.5
	Mar	116.5	6.2	0.9	117.1	7.0	1.1	112.1	2.7
	Apr	119.0	7.8	2.1	120.0	9.0	2.5	112.4	2.9
	May	119.7	7.9	0.6	120.8	9.1	0.7	112.8	3.0
	Jun	120.5	8.2	0.7	121.8	9.4	0.8	113.1	3.2
	Jul	121.2	8.8	0.6	122.5	10.1	0.6	113.5	3.4
	Aug	121.8	8.6	0.5	123.1	9.9	0.5	113.8	3.5
	Sep	122.3	8.8	0.4	123.8	10.1	0.5	114.2	3.5
	Oct	124.3	9.6	1.6	126.2	11.1	2.0	114.5	3.6
	Nov	124.8	9.3	0.4	126.7	10.7	0.4	115.0	3.7

Source: Office for National Statistics – Consumer price inflation

- 8.58. Accordingly, mortgage rates have increased significantly and the combination of this with other cost increases, represents a significant risk to households being able to afford future mortgage payments. The need for additional suitable and available affordable housing going forward is therefore going to become increasingly paramount over the next few years.
- 8.59. As noted above, the Chorley Housing Need and Demand Assessment prepared by Arc4 (**CD 7.2**) has also been made available since the above appeal decision and this presents a very acute need for affordable homes in Buckshaw Village at **71 affordable homes per annum**, which is the highest requirement of all settlements within the Borough by a considerable margin.
- 8.60. In light of all of the above circumstances, my professional opinion is that **substantial weight** can be afforded to the delivery of the 13 affordable homes provided as part of this appeal proposal. This is secured through the Section 106 legal agreement, which will be made available to the Inspector very shortly.

9. Reason 1: Loss of Employment Land

- 9.1. The Council's first reason for refusal states:

'The proposed development would result in an unacceptable reduction in the type and quantity of employment land supply contrary to policy 10 of the Central Lancashire Core Strategy.'

- 9.2. Policy 10 of the Core Strategy states the following:

'All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:

- (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;*
- (b) the provision and need for the proposed use;*
- (c) the relative suitability of the site for employment and for the alternative use;*
- (d) the location of the site and its relationship to other uses;*
- (e) whether the ability to accommodate smaller scale requirements would be compromised;*
- (f) there would be a net improvement in amenity.*

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- (g) convincing evidence of lack of demand through a rigorous and active 12-month marketing period for employment re-use and employment redevelopment;*
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*

- 9.3. The wording within the Council's specified reason for refusal specifically relates to wording set out in criteria A of Policy 10.

- 9.4. In preparing the Employment and Viability SOCG (**CD 14.2**) with Mr Wood (the Council's Planning witness), the Council have now indicated that parts c, d, g and h are also deemed to be in conflict with the appeal proposals. It is agreed that parts b, e and f are complied with in the Employment SOCG (**CD 14.2**).

- 9.5. I accept that part (g) of Policy 10 was not complied with and therefore there is not complete compliance with Policy 10, but I do not consider this to be determinative because it is accepted that Policy 10 was out of date, which is agreed at **paragraph 8.3**

of the General SOCG (**CD 14.1**) and it is evident through the Council's positive determination of other residential applications on employment allocations that such marketing assessment are not being requested (see planning committee reports **CD9.3** and **CD9.4**)

Why Policy 10 is Out of Date

- 9.6. Whilst I accept that the appeal proposal does conflict with Policy 10 on the basis that an up to date 12 month marketing campaign (criterion G) has not been carried out, it is agreed with the Council that Policy 10 is out of date due to the lack of a 5 year supply (see paragraph **8.3** of the SOCG **CD 14.1**), with the Council only able to demonstrate a **3.3 year** supply, which I address in Section 8 of my evidence.
- 9.7. I consider Policy 10 is also out of date because:
- It is not consistent with the latest NPPF, particularly paragraphs 120 and 123. It was originally drafted in the context of Planning Policy Statements and was finally adopted in the context of the 2012 NPPF;
 - It was adopted in July 2012 and therefore drafted, examined and adopted in the context of the North West Regional Spatial Strategy (that has now been revoked and no longer forms part of the Development Plan for the area);
 - It is more than 5 years old and should have undergone a number of reviews by now. In particular, the evidence base that supported the Core Strategy in relation to employment land matters is significantly out of date and was undertaken in 2008/09 (see **CD 6.1**). Subsequent reviews have not provided an up to date position in relation to the grading of the appeal site (or the XTON business park within which it is located). However, the fact that the Central Lancashire 2017 Employment Land Assessment (**CD 6.3**) did not review the site or identify it as a Grade A/B site is pertinent and would suggest that it was not regarded as being key employment site; and
 - There is evidence that the Council are applying limited weight to Policy 10 in other decisions and there is a lack of consistency in terms of the weight being applied to certain criterion within it. In particular, I demonstrate that the Council have positively determined housing applications on allocated employment sites within the Borough without the need to undertake a marketing assessment or indeed a viability assessment and in the acceptance that there is sufficient allocated and available employment land elsewhere in the Borough to meet identified employment needs up to the end of the adopted plan period.
- 9.8. Below, I provide additional critical evidence on these points and highlight why the weight afforded to Policy 10 is therefore significantly reduced.

- 9.9. I also consider the criterion within Policy 10¹⁵ within this section. However, due to the fact that Policy 10 is out of date, and I afford very limited weight to it, a conflict with one of the criteria within it should not be regarded as being determinative.
- 9.10. Irrespective of this, in light of the lack of a five year supply of housing, the appeal proposal needs to be considered in light of Paragraph 11 and Footnote 8 of the NPPF and Policy MP of the Core Strategy regardless.
- 9.11. To reaffirm, none of the policies listed in Footnote 7 apply to the appeal site. Indeed, the site is not within a flood zone, the Green Belt, a Local Green Space, or within an Area of Outstanding Natural Beauty, National Park, SSSI or other irreplaceable habitat or any of the other designation listed in footnote 7.
- 9.12. As such, my position is that the appeal proposal should be considered in the context of part d(ii) of Paragraph 11 and that planning permission should be granted unless any of the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. I undertake the balancing exercise at section 11 of my evidence.
- 9.13. In addition to the lack of a 5 year housing supply, I consider the following issues also render policy 10 out of date and significantly reduce the weight that should be applied to it, as confirmed at paragraph 9.9 of my evidence.

Inconsistency of Policy 10 with the 2021 NPPF

- 9.14. Policy 10 is not consistent with the NPPF because the first sentence applies an overriding blanket level of protection to all land last used for employment use across all of Central Lancashire. This approach is also re-iterated at paragraph 9.8 of the Core Strategy where the following is stated:
- 'All existing employment premises and sites including land and premises last used for employment purposes will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals for re-use or redevelopment (other than for B use class employment uses), including housing will be assessed under Policy 10. A balanced criteria based approach is needed including marketing and an assessment of the viability of employment development. A Supplementary Planning Document will be prepared to provide guidance on the process.'*
- 9.15. This approach is not consistent with Sections 6 or 11 of the NPPF.
- 9.16. Paragraph 120 of the NPPF in particular confirms that planning policies and decisions should give '**substantial weight**' to the value of using suitable brownfield land within settlements for homes and other identified needs. This is not reflected in Policy 10, which applies a much more stringent set of criteria.

¹⁵ Mr Aherne's evidence (CD 15.2) should be regarded as the appellant's primary evidence in relation to criterion g and h relating to market and viability considerations.

- 9.17. Whilst related to sites allocated for a specific purpose in a development plan, the closest the 2012 NPPF came to addressing the re-use of employment sites was set out in Paragraph 22 and stated:
- '22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'***
- 9.18. This clearly applied a test to planning applications that required one to demonstrate that there was '***no reasonable prospect***' of the allocated employment use coming forward. Long term protection of allocated employment sites was also unsupported by the NPPF but there was also an expectation that land allocations should be reviewed regularly. In the case of the appeal site, the Council have not reviewed its quality or ongoing suitability since 2009 and we are now 13 years on.
- 9.19. The 2021 version of the NPPF takes a much more positive approach towards the re-use of land with the equivalent paragraphs now provided by paragraphs 122 and 123. With regards to sites that are allocated for employment (or other forms of development), the paragraph 122 now states:
- 122. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:***
- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and***
 - b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.***
- 9.20. In this instance, there is now explicit support for alternative uses where it would meet an unmet need for development in the area albeit I accept that is still on the basis that the Council accepts there is no reasonable prospect of an application coming forward for the use allocated in the plan. Just to be clear, neither the Appellant or the landowner have any intention of bringing forward an employment led development proposal forward on this site.
- 9.21. Notwithstanding this, of greater relevance to the appeal site is paragraph 123 of the NPPF because the site is not allocated for employment development within the adopted development plan. This paragraph did not feature in the 2012 version. It states:
- 123. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a***

specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and

b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

- 9.22. The level of support to re-use sites of this type of unallocated site (which is entirely applicable to the appeal site) is far more explicit than was the case in 2012. A clear, positive approach is endorsed particularly in areas where there is a high housing demand (which is the case in Chorley). Protection to the existing use is only applied if its loss would undermine a key economic sector or site, the vitality and viability of a town centre, or affect the quality of community service provision or open space within an area. My position on this is that none of these circumstances would arise in re-developing the site for housing and I address this in more detail below.
- 9.23. The above changes to the NPPF were first introduced in the 2018 version of the NPPF. Notably, the section entitled 'Making Effective Use of Land' (which paragraphs 122 and 123) sit under was new to the NPPF and therefore this was a key reform the Government sought.
- 9.24. Following the consultation exercise that was undertaken at the time, the Government issued a response (**CD 1.4**). Of particular relevance are paragraphs contained within the Forward of the document on pages 4 and 5, which state the following:
- 'Our broken housing market is one of the greatest barriers to progress in Britain today. The Government wants to fix this and provide people with the opportunities and the security that come with a place to call their own. To do this we need to build many more of the right homes in the right places, whilst protecting the environment and providing the facilities and opportunities communities need.'**
- This Government has undertaken major reforms of the planning system, in particular to give councils and developers the backing they need to get more homes built more quickly....***
- ...The Framework that comes into force today is a reflection of the engagement we have had with everyone seeking to improve the communities we live and work in. The reforms are ambitious, and will see us using land suitable for housing much more effectively, at the same time as protecting our valuable environmental assets for future generations.***
- 9.25. This would indicate that the Making Effective Use of Land section was therefore a key reform sought to specifically address the broken housing market.
- 9.26. In response to specific comments about the re-use of previously developed land, the Government also stated the following on page 39:

'The Government welcomes the support for the proposed approach to making more effective use of land. The safeguards in the chapter, and the application of the policies in the Framework more generally, should ensure that this does not harm assets of significant wildlife or historical value. The approach to reallocating under-utilised land is aimed at avoiding long-term protection of land that has little prospect of contributing to the identified development needs of the local area, rather than undermining a necessary and deliverable supply of employment land. We will publish national planning guidance to enable local authorities to maximise opportunities that arise from delivering increased densities.'

- 9.27. It is worth pointing out that the appeal site is not identified by the Council to contribute to future employment land needs. It is not allocated for employment use, nor has it been identified as part of the Council's potential future supply of employment land in any of the BE Group Employment Land Assessments or within the recently issued Regulation 18 Draft of the Core Strategy. Moreover, the Council accept that in its current state, the re-use and refurbishment of the existing offices is not viable.
- 9.28. I regard Policy 10 within the Local Plan to be particularly inconsistent with these more recent paragraphs of the NPPF because it applies a blanket approach and level of protection to all sites formerly used for employment purposes irrespective of whether they are allocated or not and irrespective of their quality. Whilst I note a presumption against re-use is afforded to those sites that are deemed to be best or good urban is applied, the opening paragraph still protects all land last used for employment use and for those reasons, I conclude that it is not consistent with the NPPF and its underlying objectives in relation to the presumption in favour of sustainable development.

The Influence of former National Policy on Policy 10

- 9.29. The Core Strategy was prepared under transitional arrangements with the evidence base referring to former Planning Policy Statements and Guidance Notes and all of the regulation 18 and 19 Core Strategy consultation periods being prior to the 2012 NPPF coming into force.
- 9.30. The publication draft was issued in December 2010 and the same document underwent another 8 week consultation period ending on 31st January 2011 and was submitted to the Secretary of State on 31st March 2011. Examination hearings took place between 28th June to the 12th July 2011 with a final session on 6th March 2012.
- 9.31. As such, at the time of preparing and submitting the policies within the Core Strategy, Planning Policy Statements PPS3 – Housing and PPS4 Planning for Sustainable Economic Growth were relevant as well as the 2004 Guidance by the Office of the Deputy Prime Minister entitled '*Employment Land Reviews*'. Whilst the effective use of land and development of brownfield sites was also a government priority at this time, this was applied in the context of the Regional and Local Plan system and the 'plan, monitor, manage' approach advocated in PPS11 – Regional Spatial Strategies and PPS12 – Local Development Frameworks, where regular reviews and annual monitoring reports were required to ensure development management policies were reviewed and their application remained appropriate.
- 9.32. Notwithstanding the above, the 2012 NPPF was published on 27th March 2012, replacing the majority of former PPGs and PPS prior to the Inspector concluding on the Core

Strategy. Representations were invited between 11th April 2012 until 9th May 2012 on the consequences of the NPPF and in particular on the inclusion of a model policy concerning the presumption in favour of sustainable development introduced by the NPPF. This was seen as a sensible approach to get the plan through – see paragraphs 4 to 5 of the Inspectors report (**CD 2.1.1**), which stated:

4...The Councils suggest that this model policy be set out at the start of the Local Plan, accompanied by some factual text to simply explain that the national policy situation was revised during the Strategy's preparation and that the model policy has been included to clarify the operational relationship between the plan and national policy.

5. This is a sensible approach and to it should be added the important point that the Framework is a material consideration in the determination of planning applications. Sustainability is the golden thread which runs through the Local Plan, and to that extent the model policy can be regarded as its central theme and, indeed perhaps, a summary of it. Owing to its importance, however, it should be treated as a Main Modification (MM2). I therefore recommend that the Local Plan be modified by the inclusion of a policy which, in essence, confirms that the Councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework.

- 9.33. As such, whilst the overall examination process of the Core Strategy did consider the new NPPF, this was only after the hearing sessions took place, and the only direct modification to the policies within the plan to ensure consistency with the 2012 NPPF relate to the second main modification under MM2 which introduced **Policy MP**.
- 9.34. Under the circumstances of the Core Strategy's production and adoption, Policy MP (see page 17 of **CD 2.1**) therefore acts as an umbrella policy which applies the presumption in favour of sustainable development. Notably, the Inspector referred back to this policy on numerous occasions throughout their report.
- 9.35. In the context of Policy 10, at paragraphs 72 and 73 of their report (**CD 2.1.1**), the Inspector highlighted that it was a firm, but sufficiently flexible in accepting that certain criteria are met and that some sites may be suitable for re-use and/or redevelopment other than for employment uses and confirmed this approach accorded with the requirements of the 2012 Framework to avoid the long term protection of sites allocated for business use where there is no reasonable prospect of a site being re-used for that purpose. The language used by the Inspector was clearly making reference to paragraph 22 of the 2012 NPPF, which I have already addressed above and why this is not consistent with paragraph 123 of the NPPF.
- 9.36. Ultimately, what is clear is that Policy 10 did not and could not have taking into account the further changes that were made by paragraph 123 of the NPPF, which was only introduced in 2018 and after the Core Strategy was adopted. The Criteria applied under Policy 10 are clearly more restrictive than that set out in paragraph 123 of the NPPF. As a result, the weight to be applied to Policy 10 and each of its criteria is limited and further reduced by virtue of the Council not being able to demonstrate a 5 year supply of housing.

The Influence of the Regional Spatial Strategy on Policy 10

- 9.37. The Core Strategy was adopted at a point in time when the Regional Spatial Strategy was still in place and formed part of the Development Plan for the area. It was therefore a legal requirement for the Core Strategy to be adopted in accordance with the 2008 North West RSS (**CD 4.1**), which planned up to 2021.
- 9.38. RSS Policy W3 – Supply of Employment Land on page 46 set specific targets for the allocation of new employment land across Lancashire (and the other sub-regions and counties) for 2005–2021 and included a flexibility factor of 20% within Lancashire..
- 9.39. Policy 9 in the Core Strategy effectively projected these needs forward to cover the Core Strategy Plan period up to 2026 and proportioned them out for the Central Lancashire authorities in line with the Joint Structure Plan distribution at the time.
- 9.40. Clearly the base line position for the RSS is now out of date, time expired (with it only going up to 2021) and the policy/RSS is now revoked in its entirety.
- 9.41. Further to the national approach to ‘Plan, Monitor Manage’ and the 2004 ODPM Guidance on Employment Land Reviews (**CD 1.5**) that was applicable at the time and advocated that employment land reviews should be undertaken at no more than 5 yearly intervals, Policy W3 importantly went further and confirmed that Local Authorities should review their employment land portfolio every **3 years** to ensure over and under allocation of land in relation to the actual scale of economic growth did not occur¹⁶. This has not occurred.
- 9.42. RSS Policy W4 on page 49 also highlighted the presumption against the re-use of employment land. It specifically stated:
- ‘Outside of a comprehensive review of commitments (Policy W3) when preparing plans and strategies and considering proposals and schemes there should be a presumption against the release of allocated employment sites for other uses. Sites should not be released where they provide, or have the potential to provide, an important contribution to the economy of the local area.’*
- 9.43. Policy W4 did go onto highlight that if a Local Authority was minded to release sites outside of this process, they had to be satisfied that there would not be a quantitative or qualitative deficiency. Nonetheless, it is evident that the RSS applied a presumption against the release of employment land for alternative uses which follows through to Policy 10 in the Core Strategy and it is this aspect of the policy alongside its other various requirements that are not consistent with NPPF paragraph 123.
- 9.44. I therefore regard Policy 10 as being out of date because it is influenced by employment land needs articulated under Policy 9 and Table 5.1 of the Core Strategy,

¹⁶ Also see paragraph 6.13 of the RSSNW (**CD 4.1**) and paragraph 5.49 of the 2004 ODPM Employment Land Review Guidance (**CD 1.5**). The latter states: ‘Quantitative assessments of employment land requirements are not reliable over the time horizons of RSSs. They will need to be updated regularly, at no more than five yearly intervals, as part of the ‘plan, monitor and manage’ approach to the continual review of RSSs and LDFs.’

which ultimately stem from the RSS that is now revoked. Even if the RSS remained part of the development plan, Policies within it stipulated the need for a review every 3 years and this was on the back of Government advice that confirmed that the quantitative assessment of employment land requirements were not reliable over the time horizons of 15–20 year RSS period. The Council's 2008/09 evidence base which set the employment land requirements within the Core Strategy and last considered the qualitative characteristics of the employment area within which the appeal site falls should have therefore been reviewed at least 4 times over based on the RSS policy requirements. I consider the above position significantly reduces the weight that can be afforded to Policy 10 particularly given the presumption against the release of employment sites for housing is not explicit within the NPPF and paragraph 123.

Lack of Core Strategy Review & no comparable review of the associated Evidence

- 9.45. The Core Strategy is now 11 years old and should have therefore been reviewed twice over based on the Framework's recommendation at paragraph 33 that Local Plans are to be reviewed 'at least' every five years as per the legal requirement set out at footnote 20 of the Framework. Over this time, the occupancy of site has changed and its contribution towards creating and sustaining jobs has significantly diminished.
- 9.46. The approach set out within Policy 10 is that all existing employment land should be preserved for employment use. However, there is also specific reference to Good and Best Urban Employment sites and the presumption against redevelopment for alternative uses.
- 9.47. In this instance, the appeal site is located in an area defined within the 2009 Employment Land Review (**CD 6.1**) as a 'Good Urban' site and therefore the presumption against redevelopment for housing is stipulated by Policy 10. I have already highlighted why this approach can no longer be regarded as being up to date or consistent with the Framework.
- 9.48. A further and relevant criticism of this approach, however, is that the Council have not sought to fully update the original 2009 Employment Land Review since it was first undertaken or continue to grade existing employment areas in exactly the same way.
- 9.49. A summary of the 2009 assessment is found on page 137 (**CD 6.1**), which states the following in relation to the site's market attractiveness and suitability for employment use at the time:

'The site is currently occupied by Runshaw college and XTON business park. Generally, the site is well maintained, however, some buildings are in need of improvement. The site is across the railway line from Southern Commercial Buckshaw site. The site has very good road frontage and achieves a good score for market attractiveness.'

The site achieves a good score for strategic planning and sustainability. This is influenced by a park and ride site near to the site and re-opening / refurbishment of the rail station proposed to be completed in March 2009 as part of the regeneration of the broader area which will further enhance the site's sustainability credentials.

General Comment: College and business park with limited opportunities for infill.'

- 9.50. Critically, in 2009, the appeal site was occupied in a good condition and was catering for a very different office market at time well before the pandemic. However, even in 2009, the Employment Land Assessment only ever assessed the appeal site together with the Runshaw College site and the buildings between the two that form the XTON business park rather than the site alone. The previous 2009 assessment therefore needs to be read in the context of the inclusion of the College buildings, which is well maintained (and a non B Use Class) and other more modern office buildings that do not form part of the appeal site.
- 9.51. In short, the Council's 2009 evidence never assessed the suitability of the appeal site independently. However, reflecting on some of the comments made in the 2009 assessment, I agree that the office buildings would require improvement, and a substantial level of improvement and investment at that. As set out in Mr Aherne's evidence, the existing building would require a substantial overhaul which would prove unviable. Critically, the Council have now accepted this position in the General SOCG at paragraph 8.14 (**CD 14.1**).
- 9.52. I also agree that there is limited scope to provide infill employment development, notwithstanding the large underutilised parking areas because the site is partly constrained by culverts that cannot be moved and two protected trees. Whilst some additional floorspace could physically be located on the site, it is limited. Again, this is explored in greater detail in Mr Aherne's evidence.
- 9.53. More recently, the BE Group 2017 Employment Land Assessment (**CD 6.3**) did review 111 existing employment areas across Central Lancashire amounting to 920 ha of existing employment land (see paragraphs 10.53 to 10.56 of the assessment and Table 66 on pages 188/9 and Appendix 10).
- 9.54. The approach applied by BE Group in this instance was to grade existing employment sites from A to E, with Grade A sites being of high quality and grade B sites being of good quality. Those with Grades D and E are highlighted as options for potential alternative use.
- 9.55. BE Group go onto set out certain policy recommendations in Section 12 of the assessment in relation to the different graded sites and interesting note at 12.7 that the key/best urban sites within Chorley comprise of the following sites:
- Common Bank Area, Chorley
 - Ackhurst Business Park, Chorley
 - Chorley Business and Technology Park, Euxton
 - Momentum/Southern Commercial Area/Revolution, Buckshaw Village
- 9.56. The advice provided at paragraph 12.9 is that within these areas, only applications for B-Class use should generally be permitted and non-B class use should only be allowed if strongly justified and it is proved that the proposals will not have a significant adverse impact on surrounding local uses. The fact that the appeal site is not listed above would indicate that it is not regarded as a key employment site.

- 9.57. It is agreed in the Employment & Viability SOCG (**CD 14.2**) that the appeal site is not located within these sites.
- 9.58. For B, C and D graded sites, the advice provided at 12.2 is that a more flexible approach should be taken to facilitate a broad range of economic development. For Grades D/E more urgent need for change is deemed appropriate as highlighted at paragraph 12.4. That said, I note that housing development is excluded from the above advice at paragraph 12.15 but this is clearly in direct conflict with paragraph 123 (and 122) of the NPPF.
- 9.59. As such, whilst the 2017 BE Group Assessment provides an update on much of the existing employment land stock within the Borough, the gradings used are different .
- 9.60. Bearing in mind the 2017 assessment is also now 6 years old (and therefore beyond the 3 and 5 year review periods), the findings of that assessment could also be arguably out of date.
- 9.61. More recent assessments carried out by BE Group in 2019 and 2022 principally focus on the existing employment allocations within the various plans rather than existing employment areas. This means there is no up-to-date understanding of how all existing (and allocated) employment land across the Borough now compare and how the appeal site and other employment land ranks against previously utilised categories of Best, Good and Other Urban sites.
- 9.62. In light of all of the above, the prior ranking of the site/wider area as a 'Good Urban' employment back in 2009 cannot continue to be relied upon and it is telling that no reference is made within the Planning Manager's Committee Report as to the site's grade/category.
- 9.63. Since 2009 and the last time the appeal site was formally appraised, the following has also occurred:
- The site is no longer occupied, is now vacant and the owners have made it clear that the is no longer available for employment use;
 - The building and site have degraded significantly and cannot be re-let for commercial purposes due to its below grade energy rating;
 - The pandemic has significantly altered the office market;
 - Inflation and costs for re-furnishement and redevelopment have significantly increased;
 - The Chorley Local Plan identified new employment sites in 2015 with a number in close proximity to this site;
 - The surrounding area has witnessed a large amount of modern employment premises being developed and become available, which are comparatively far superior to the appeal site;

- The Council have now published the Regulation 18 Draft of the Core Strategy Local Plan which does identify a number of other employment land opportunities.
- 9.64. With regard to the last point, the Council agree that no weight should be applied to the emerging local plan in the General SOCG (**CD 14.1**) at **paragraph 6.3**. Indeed, it is at a very early stage and is still expected to undergo another round of regulation 18 consultation before a pre-submission regulation 19 consultation and subsequent examination in public process. However, it is also telling that the Council have not sought to allocate or designate the appeal site as part of this process.
- 9.65. All of the above points further diminish the weight that can be applied to Policy 10.
- Lack of Consistency on the Council's Appliance of Policy 10**
- 9.66. The limited weight to be afforded to Policy 10 is further illustrated by observing how the Council have applied Policy 10 to other applications on existing and allocated employment land sites.
- 9.67. I point to two recently determined planning applications on existing employment allocations within the Chorley Local Plan that were determined at planning committee a few months before (Persimmon) and month after (Redrow) the appeal scheme (Bellway) was considered at committee. These include:
- **20/01141/FULMAJ for 80 market and affordable dwellings at Group 1 Parcel C1 and C2, Central Avenue, Buckshaw Village** (application by Persimmon Homes); -and
 - **22/00692/FULMAJ for 103 market and affordable dwellings at Cuerden Farm, Wigan Road, Clayton-le-Woods** (application by Redrow Homes)
- 9.68. Both of these applications were approved at committee. The respective officer reports are contained at **CD 9.3 and CD 9.4**.
- 9.69. The Persimmon site was considered at planning committee on 24th May 2022. It is also located within the wider Buckshaw Village mixed use site but unlike the appeal proposal, it was specifically allocated for employment and housing development and this application related to the last remaining parcels at Site EP1.12 (and allocated for B1 and B2 Use Class under Policy EP1). Other parts of the mixed-use allocation have already been developed for housing and a new primary school and therefore these parcels remained the last opportunity to deliver additional employment development. The officer confirmed that Policy 10 was engaged and therefore considered the criteria at paragraph 68–69 of their report.
- 9.70. The Redrow site was considered at planning committee on 11th October 2022 and relates to mixed-use site that was identified for employment and residential purposes in the adopted Local Plan (Site EP1.15 and allocated for B1, B2 and B8 Use under Policy EP1) where 15ha of the 38 ha site was to be for employment use. It was accepted that the development of the application site for housing was not contrary but it would essentially mean that the 15 ha of employment land could not be delivered and this was contrary to the site's allocation policy (see paragraph 23 of the officer's report).

The officer confirmed that Policy 10 was therefore relevant and considered the criteria at paragraphs 53 to 65 of his report.

- 9.71. I have included a schedule of how each of the respective officers considered the criteria under Policy 10 in relation to the appeal scheme and in the case of these two other applications at **Appendix 13**. In short, it is evident that different approaches have been taken when considering the various criteria and what is clear is that the Council are no longer insistent that all criteria within Policy 10 are met.
- 9.72. In the context of the Persimmon Homes scheme in Buckshaw Village, the officer concluded the following at paragraph 69:

'It is considered that the proposal complies with the spirit of policy 10 of the Central Lancashire Core Strategy as there are adequate alternative employment sites within the Borough in more suitable locations. The proposal would deliver much needed housing and the approval of the application would show the Council is dynamic in responding to changes in the demand for land.'
- 9.73. For the Redrow scheme, that was considered after the Appeal scheme and therefore in light of the Council's most recent evidence on employment land needs, the Officer concluded as follows at paragraph 65:

'In overall conclusion it is considered that the proposal has failed to demonstrate compliance with policy 10 of the Core Strategy because a lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment has not been demonstrated. However, it is noted that no proposals for employment development have been received since the allocation was made in the Chorley Local Plan 2012 – 2026. Furthermore this part of the allocated site is no longer suitable for employment land development, particularly in relation to logistics and storage, given the residential character that has evolved, proximity to residential occupiers and access via a residential estate road. It is also considered that there are adequate alternative employment sites within the Borough in more suitable locations. The proposal would deliver much needed housing and the approval of the application would show the Council is dynamic in responding to changes in the demand for land.'
- 9.74. In both instances, it is clear that the Council concluded there was an adequate supply of employment land available within the Borough, which I address in more detail below. Of greater relevance to the point I wish to make at this juncture, however, is that, in both of the above cases viability and marketing exercises were not undertaken or deemed to be necessary. This in itself, further highlights that Policy 10 is out of date and the weight to be attached to must be significantly reduced.

Considering the Appeal Proposal Against #123 of the NPPF

- 9.75. In light of the above and Policy 10 being out of date, it follows that greater weight should be applied to the relevant policies within the Framework. Paragraph 123 of the NPPF is particularly pertinent because it relates to the re-use and redevelopment of sites that are not allocated for employment use which is the case in the context of the appeal site.

- 9.76. It confirms that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans where this would help meet identified development needs. This proposal self-evidently meets those criteria. In this context, paragraph 123 specifically requires that LPAs should **support** proposals to use employment land for homes in areas of high housing demand providing that (in so far as is relevant to the current proposal) this would not undermine:
- A key economic sector; or
 - A key economic site; and
 - Would be compatible with other policies within the NPPF.
- 9.77. I do not consider the redevelopment of the site would undermine an existing key economic site or sector. The existing office building and site is not deemed to be so strategically important to Central Lancashire, Chorley or even Buckshaw Village for the following reasons:
- Whilst identified within the Buckshaw Village Strategic Site designation within the adopted Core Strategy and Local Plan, the appeal site itself is not specifically allocated for employment use and therefore falls within the wider mixed use designation for employment and residential redevelopment;
 - Whilst paragraph 5.36 of the Core Strategy suggests that all employment land within Buckshaw Village has the potential to be classed as 'Best Urban', the appeal site alone has never been previously assessed by the Council or its consultants as part of the evidence base to the adopted local plan or emerging local plan as Good or Best Urban.
 - Instead, the appeal site has only ever been assessed as being part of a wider 'Good Urban' employment area within the Drivas Jonas 2009 Employment Land Review up to 2021 (see assessment under site named as '40 Euxton Lane' on page 137 and the site proforma within **CD 6.1** and contained at **Appendix 14** of my evidence).
 - At paragraph 5.13 on page 65/66 of the 2009 Assessment, Drivers Jonas confirm that the Good Urban sites are those '**Sites which may be subject to some constraints but with potential to be suitable for inward investors and / or locally-based businesses.**' This compares to the definition of Best Urban sites which were defined as '**Good quality relatively unconstrained sites suitable for local or incoming clients with a national/regional choice of locations**'.
 - The Drivers Jonas Assessment identifies certain constraints and issues with this employment area including the TPOs, proximity of the listed building and the state of some of the buildings within the proforma assessment contained at **Appendix 14** of my evidence.
 - Whilst large parts of the Buckshaw Village strategic site including Matrix Park, Southern Commercial and the Revolution regional investment site are all cited as existing 'Best Urban' employment sites within the Core Strategy (see paragraph 5.36) and within the 2009 and 2017 Employment Land Assessment (Appendix 10), these represent employment allocations that were contained within the former and

adopted Chorley and South Ribble Local Plans and now accommodate new, modern employment units all developed within the last 15 years as part of the wider Buckshaw Village masterplan.

- Conversely, the appeal site represents an aged and outdated building – a relic of the former Royal Ordnance Survey site and no longer accommodate any businesses and associated jobs.
- Even towards the end of the previous tenant's occupation, only a skeleton number of employees were retained on the site (partly due to Covid and the increased practice in working from home but also due to the state of the building and the fact that it did not provide a pleasant working environment).
- Even when the office building was being used at a good capacity, I would not regard it as being a particularly sustainable office site location. Whilst in proximity to the Buckshaw Village train station, a combination of its out of centre location and the extent of large, free, surface level car parking attracted many commuters to the office space via private car.
- The key planning objective for locating regional and sub-regional office development within the Central Lancashire area is to focus this within Preston City Centre and Chorley Town Centre (and not on out of centre business parks) as set out in Part b of Policy 9 of the Core Strategy.
- Within the Buckshaw Village designation itself, the focus for office development is targeted towards the sequentially preferable, edge of centre Southern Commercial Employment site at Buckshaw Village (Site EP1.13) and not on the appeal site. Indeed, paragraph 9.23 (3rd bullet point) of the February BE Group Employment Land Update confirms there are longer term prospects for the approved development at this location to meet the bulk of Chorley's and much of South Ribble's office needs for the remainder of the plan period. However, there are currently no plans to sub-divide the Southern Commercial development into smaller office suites (serviced and unserviced), which BE Group confirm this is what the market needs.
- The same paragraph (9.23) also confirms stakeholders have indicated that there is stronger demand for smaller of space in Chorley Town Centre and Preston Town Centre, which I note are the priority locations for office development under Policy 9 of the Core Strategy and this accords with the main town centre use tests set out in the NPPF and adopted development plan. Developing smaller office units on the appeal site could damage the vitality and viability of these town centre locations.
- It is agreed that refurbishment and redevelopment of the site for office development is not viable at paragraph **8.14** of the General SOCG (**CD 14.1**).
- It is agreed that the re-development of the site for residential purposes would not result in adverse impacts in relation to residential amenity or vice versa at paragraph **8.7** of the General SOCG (**CD 14.1**). As such, I can conclude that the neighbouring businesses to the immediate west of the appeal site would not be adversely impacted nor would those located north of the railway line.

9.78. In terms of determining if the appeal would undermine a key economic sector or site, I also give further consideration to the following matters:

- How does the site perform for employment use when considered against key suitability and deliverability criteria?
- Would the proposal undermine the supply and availability of strategic employment sites within Central Lancashire and targeted employment sectors at a city-regional level?
- Would the proposal undermine the supply and availability of employment land within Chorley generally and/or in the context for offices, light and general industrial and larger warehousing demand?

How does the site perform for employment use when considered against key suitability and deliverability criteria?

- 9.79. The 2017 BE Group Assessment (**CD 6.3**) and the site assessments provided at Appendix 10 of that document make no reference to the Runshaw College / XTON Business Park employment area other than in the context of the college's offer and plans within Section 9 (see paragraphs 9.36 to 9.48).
- 9.80. This is despite the fact that BE Group did review 111 existing employment locations within Central Lancashire amounting to 920 ha of which, 36 sites were located in Chorley (comprising of 136 ha of land). The reassessment of existing employment land was therefore extensive. Indeed, BE Group managed to assess all of the main existing employment locations within Buckshaw Village, including those listed at paragraph 10.75 of the assessment and the 4.91 ha Chorley Business and Technology Centre (also located on Euxton Lane, within the Buckshaw Village designation and to the west of Central Avenue). The outright omission of the appeal site and XTON business park is telling in my opinion and would indicate that it was not deemed by BE Group or the Council to be a key employment site that warranted a high level of protection. Had it been, BE Group and the Council would have clearly listed it.
- 9.81. However, even if it was a significant oversight, I have already highlighted why the original 2009 assessment of the XTON Business Park (which graded the employment area as good urban) cannot be regarded as being up to date or overly relevant today.
- 9.82. As part of the 2022 BE Group Assessments (which also fail to re-assess the appeal site and Xton Business Park), BE Group now identify a site scoring system at Appendix 6 of the 2022 Employment Land Assessment (**CD 6.5.6**), which I have copied below.
- 9.83. For Chorley, the quality of the existing employment allocations are assessed on the basis of the following considerations:
- Location and Access (total score of 40 is achievable);
 - Planning Status (total score of 10 achievable)
 - Site conditions (total score of 40 achievable); and
 - Site Availability (total score of 10 achievable).
- 9.84. This does not follow the previously used Best Urban, Good Urban, etc ranking as used in the Core Strategy and the 2009 Employment Land Assessment (albeit I do note that

BE Group do apply the Best/Good rankings to existing employment sites in Preston). I have addressed why the previous rankings applied to the appeal site and its surrounding area can no longer be regarded as being up to date above and do not intend to repeat those points here.

Appendix 6 – Site Scoring System

Site Location and Access	Proximity to strategic highway network	<ul style="list-style-type: none"> Site adjacent to primary route (motorway, strategic highways network route) - M6, M61, M65, M55, A6 junction – score 10 Site 0.5 km from primary route – score 9 Site 1.0 km from primary route – score 8 For each further half km distance from junction, reduce score by one point, i.e. any site 5.0 km or further from primary route scores zero.
	Proximity to key local routes	<p>Proximity to key county routes (A49, A59, A583, A582):</p> <ul style="list-style-type: none"> Site within 1.0 km from A49, A59, A583, A582 junction – score 10 Site within 5.0 km from A49, A59, A583, A582 junction – score 6 Site within 10.0 km from A49, A59, A583, A582 junction – score 3 Site more than 10.0 km from A49, A59, A583, A582 junction – score 0.
	Prominence	<ul style="list-style-type: none"> Site adjacent to, and visible from M6, M61, M65, M55, A6 – score 10/9 Site adjacent to, and visible from other dual carriageway – score 8/7 Site adjacent to, and visible from other A road – score 6/5 Site has local prominence, e.g. within its industrial location – score 4/3 Site located in 'backlands' – score 2/1/0.
	Public Transport	<ul style="list-style-type: none"> Site close to bus route (within 0.5 km) and near to rail station (within 2 km) – score 10 Site within 0.5 km of a bus route – score 5 Limited public transport – score 0.
Planning Status		<ul style="list-style-type: none"> If site has detailed/full planning status – score 10 If site has outline planning status – score 8 If site allocated in the development plan – score 4 If site is available, subject to planning – score 1.
Site Conditions	Services Availability	<ul style="list-style-type: none"> If all services are provided and in place – score 10 If priority services are available with no abnormal costs – score 7 If all priority services are available, but with abnormal costs – score 3 Some services are unavailable – score 0.
	Constraints	<p>May be physical (including access), planning, or legal</p> <p>Reduce score by 2 for each constraint</p> <p>If there are none – score 10.</p>
	Environmental Setting	<p>Subjective, score 0 to 10, examples:</p> <ul style="list-style-type: none"> Good quality business park/greenfield location – score 10 Moderate quality industrial estate – score 5 Poor quality industrial estate/in-fill location – score 2.
	Flexibility	<p>Subjective, score 0 to 10: Score site in terms of site shape and ability to sub-divide to suit smaller occupiers</p> <p>Consider the site within its context/category. Score 10 if it is flexible, 0 if it is inflexible.</p>
Site Availability		<ul style="list-style-type: none"> Site available to develop within 0-1 year – score 10 Site available to develop within 1-5 years – score 6 Site available to develop 6-10 years – score 3 Site available to develop 10+ years – score 0.

- 9.85. For the existing Employment Allocations in Chorley, BE Group provide scoring at Appendix 7 of the 2022 Employment Land Assessment (**CD 6.5.7**). I do not repeat those in my evidence but make reference to how BE Group have deducted scores for certain constraints.
- 9.86. Based on the matrix, I score the appeal site as follows:
- **Score of 6** against '**Proximity to strategic highway network**' on the basis that it is **2.2 km** to the M61 junction;
 - **Score of 6** against '**Proximity to key local routes**' on the basis that it is within 5km but not within 1km of one of the A roads referenced;
 - **Score of 4** against '**Prominence**' on the basis that it is not visible from a motorway, A road or other dual carriageway but has local prominence due to its visibility from Euxton Lane which I accept is a wide road and the site has good road frontage.
 - **Score of 10** against '**Public Transport**' on the basis that the site is within 2km of Buckshaw Village train station.
 - **Score of 1** against '**Planning Status**' on the basis that the site is not allocated for employment use and does not benefit from a planning permission.
 - **Score of 3** against '**Services Availability**' on the basis that the site does have suitable electricity, sewage and telecoms connections and there is also an existing access but any developer would want to create their own access into the site to improve the setting and approach to the new development. The site would also require significant demolition works and some site remodelling due to some of the levels across the site. In short, it is not a fully serviced site capable of accommodating development straight away and there would be abnormal costs associated with the redevelopment for employment use (see Mr Aherne's evidence at **CD 15.2**).
 - **Score of 4** against '**Constraints**' on the basis of TPO trees (-2), two culverts cross the site that cannot be moved (-2), lack of planning permission and the owners are seeking a non-employment use on the site (-2). Similar constraints have been cited by BE Group in relation to Sites EP1.1, EP1.2 and EP1.15.
 - **Score of 5** against '**Environmental Setting**' on the basis that the existing and wider business park is now showing its age, the building on the appeal site being in a poor state and the commercial building next door is also showing its age (although I accept that it remains occupied). I consider that the wider XTON business park provides a moderate quality rather than good or poor quality location when compared to other locations within the area.
 - **Score of 7** against '**Flexibility**' on the basis that the site has a relatively regular shape. However, the two culverts that cross the site, the TPO trees and the need for some separation to the front of the site to respect the nearby listed building and existing landscaped strips located to the front of the existing employment buildings, do impinge on suitable layout options and where buildings can be suitably located. As part of Mr Aherne's evidence indicative alternative layouts have been provided to show how smaller employment units could potentially be accommodated but all

options would still be subject to receiving planning permission and have not undergone wider technical appraisals.

- **Score of 0 against 'Availability'** on the basis that it is agreed that the existing office building is no longer viable for re-use and/or refurbishment. The scale, age, state of disrepair and very poor energy efficiency rating means the existing office buildings is not available or suitable for re-letting. Moreover, the landowners (Bluemantle) have confirmed that the site is not available for future employment use as set out in the statement at **Appendix 15** of my evidence. Bluemantle are in the business of refurbishing and developing employment buildings but on this occasion and for the reasons set out in their statement, this option has not been carried forward for genuine viability reasons. The landowners are under no obligation to make the site available for employment re-development proposals and therefore it does not represent a realistic option for existing employers and businesses located within or outside of the Borough to locate to.

- 9.87. This results in a **total score of 46 out of 100**. If ranked against the remaining existing allocations within the Local Plan that have been assessed by BE Group in the 2022 Assessment, it would be the second worst scoring site.
- 9.88. BE Group also apply a market-led sub score out of 50, which simply collates the scores on road connections, prominence, environmental setting and flexibility only. On that basis, the site achieves a **market-led sub score of 28 out of 50**. If ranked against the other employment allocations in Chorley, it would be within the lower half of the table.
- 9.89. Ultimately, BE Group have not assessed the appeal site as part of the recent Employment Land reports. This in itself demonstrates that the appeal site is not deemed to be a critical or key employment site that is required to be developed for alternative employment sector needs in order to address the requirements of the Local Plan or Borough wide employment needs. Indeed, it has never been included in any employment land requirement forecasts for the Borough and therefore its loss will not impact on an allocated employment site that has been expected to accommodate future employment development.
- 9.90. Whilst the appeal site does include an existing employment/office building, for the reasons I have set out under the Availability score above, it cannot be regarded as being a key employment site. Indeed, it does not currently accommodate an existing employer and any associated jobs. It is vacant and agreed that its re-use and refurbishment are not viable – a position which the Council accept in the General SOCG at **paragraph 8.14 (CD 14.1)**.
- 9.91. In terms of considering redevelopment options for the site, utilising BE Group's scoring demonstrates that there are genuine hurdles in the way of bringing this site forward for alternative forms of employment development and the overall quality of the site ranks poorly compared to other available employment land within the Borough. Indeed, it demonstrates that the appeal site would be competing with better located and evidently more advanced and suitable employment sites that are available within the Borough which are largely unconstrained, undeveloped and available. The previously developed appeal site, on the other hand, has the hindrance and associated costs associated with the demolition of the existing building and remediation of the site. This

demonstrates that the site cannot be regarded as representing a key employment site for the Borough.

Would the proposal undermine the supply and availability of strategic employment sites within Central Lancashire and targeted employment sectors at a city-regional level?

- 9.92. Whilst I accept that the redevelopment of Buckshaw Village for housing and employment use is a strategic objective of the Core Strategy under Policy 1 and Policy 9, the mere fact that the appeal site is an existing employment use within Buckshaw Village does not result the appeal proposal undermining a key site or sector or the wider strategic economic aspirations of the city region..
- 9.93. I provide evidence on why below but in short, I conclude that:
- The appeal site does not accommodate one of the key employment sectors identified within the Core Strategy;
 - The strategic strategy for employment growth across Central Lancashire is wide spread and the appeal site represents a very small component of one of the Strategic sites identified, which is identified to accommodate housing as well as employment in any case;
 - There are numerous remaining undeveloped yet advanced strategic employment site opportunities within the Central Lancashire area that provide the ongoing ability to attract significant inward investment and development.

Impact on Central Lancashire's Key Employment Sectors and Strategic Site

- 9.94. As set out in Section 5 of the Core Strategy, it was prepared at a time when the UK economy was emerging from the 2008 financial crash (see paragraph 5.3) but has historically been an area that has performed well in terms of growth (albeit not as well as other parts of the UK). Much reference is therefore placed on the sub/city region achieving Growth Point status at the time which assisted with attracting inward investment from the Government and EU.
- 9.95. Preston is cited as an emerging and new economic force and the City Centre has the largest concentration of commercial activity providing employment in higher value sectors that have been growing nationally, specifically computing, business services, retailing and finance and with the University of Central Lancashire in Preston aligning its knowledge base to key sectors within the sub region (see paragraph 5.5).
- 9.96. In South Ribble, advanced manufacturing and the automotive industries are cited as being an important sector (with major employers at BAE Systems and Leyland Trucks) and significant public sector employers such as the Lancashire Constabulary (see paragraph 5.6).

- 9.97. In Chorley, high growth sectors cited at the time included business and professional services, food and drink, digital and creative industries as well as advanced engineering and materials. It was also noted that some of Central Lancashire's most highly skilled and high value companies are also located in Chorley in high tech engineering, software, digital design, testing and automation (see paragraph 5.7).
- 9.98. Notably, the appeal site was last used by DXC Technology, which is a company that is within the computing and IT industry (a growth sector identified for Chorley at the time or preparing the Core Strategy). However, DXC was acquired by Hewlett Packard and has since moved to Manchester. Perhaps more pertinent is the fact that the office building was utilised as the business's call centre, which is not a specific key sector that is cited by the Core Strategy. The reality now is that the office building has reached the end of its life and it most certainly does not accommodate a business or employer specialising in the sectors highlighted above. The building and site's redevelopment for residential development would therefore not undermine an existing key economic business or sector that currently operates within the area.
- 9.99. I have already addressed how the appeal proposal is in accordance with Policy 1 in the Core Strategy in **Section 7** of my evidence. However, I do wish to re-emphasise that the spatial strategy for growth in Central Lancashire under Policy 1 is widespread, including the following:
- A) Preston and South Ribble Urban Area and a range of locations that make up this area including a range of locations including the City Centre and a number of suburbs;
 - B) Key Service Centres of Leyland / Farington, Chorley Town and Longridge;
 - C) Strategic sites allocated at BAE Systems, Salmesbury (employment); Cuerden (employment); and Buckshaw Village (mixed use);
 - D) Some growth at six named Urban Local Service Centres (including Euxton);
 - E) Limited growth in three named Rural Local Service Centres; and
 - F) Small scale/limited infilling in other smaller villages and Major Developed Sites (in Green Belt).
- 9.100. This position is further reflected in Policy 9: Economic Growth and Employment, where under section (C) the City Centre locations in Preston and the Central Business District and Titherbarn Regeneration are cited to accommodate regional and sub-regional office developments with more local office schemes directed in Chorley and Leyland town centres.
- 9.101. In addition to the three aforementioned strategic sites, three additional sub-regional sites are also identified under part D of Policy 9. These include Botany Bay/Great Knowley, which is located in Chorley; Preston East/Millennium City Park and Riversway (also located in Preston). Two other mixed-use locations of sub-regional significance are cited at part (E) of Policy 9 including Moss Side Test Track and Lostock Hall Gasworks (both located in South Ribble).

- 9.102. The location of the key employment sites and strategic centres are illustrated in the wider context plan provided at **Appendix 2B** of my evidence, along with the location of the appeal site. The plan clearly illustrates that the appeal site is a very small component of these key strategic growth locations. Indeed, at 3 ha it only represents 1% of the overall mixed use Buckshaw Village site that is the largest strategic designation within the Central Lancashire area at 300ha. The aerial imagery on the plan also helps to illustrate that there remains a large amount of other existing employment land stock within the Central Lancashire Area. Overall, I consider that it is important to reflect on this and the broadness and depth of the Core Strategy's spatial and employment growth strategy when considering whether harm will come from the appeal proposal and the loss of the existing employment site.
- 9.103. Importantly, the Preston and South Ribble Urban Area (including the City Centre) and other Key Service Centres such as Leyland / Faringdon and Chorley Town continue to represent locations where certain forms of new employment and office development can be concentrated. As such, whilst the strategic sites identified under Part C of Policy 1 are an important component of the Spatial Strategy, it is important to note that they are not the only source of employment land and growth opportunities within the Central Lancashire area. Many other locations exist.
- 9.104. I highlight this now because none of the BE Group employment land assessments fully quantify the availability of existing office space and development opportunities for offices within these more central, town centre locations.
- 9.105. With regard to the three strategic sites identified by the Core Strategy under Policy 1 (i.e Buckshaw Village, Cuerden and Samlesbury), a helpful summary is provided at paragraphs 5.25 to 5.38 of the Core Strategy.
- 9.106. **Buckshaw Village** is by far the largest of the three strategic site at **300 ha**. It is also the most advanced of the three strategic sites and as set out in **Section 7** of my evidence, it is largely built out now (and I would suggest it is circa + 90% complete). The District Centre is also developed and the re-opening of the train station has also occurred.
- 9.107. Notably, the 3 ha appeal site only represents **1%** of this strategic mixed allocation, which in itself demonstrate that the appeal site can be regarded as de-minimus in the context of the overall spatial and employment strategy for Central Lancashire.
- 9.108. Neither the Core Strategy or the Local Plan set a specific target for employment land delivery within Buckshaw Village. However, paragraph 5.36 of the Core Strategy confirms that Matrix Park, Southern Commercial and the Revolution regional investment site were being delivered at the time to create substantial employment growth at Buckshaw. Matrix Park is located to the north of the settlement within the South Ribble component of the designation. Southern Commercial relates to the District Centre, the employment park located to the immediate east of this, and the remaining employment parcels that exist to the north of the railway line adjacent to the train station. The Revolution site is the large warehouse employment area located to the north of the railway line which stretches into the existing Green Belt designation. When the Core Strategy was prepared, it is evident that 65 ha remained available within these areas based on what is stated at paragraph 5.36. Based on my own measurements of these areas, I estimate that circa 90–100 ha of employment and

commercial land has come forward. I would accept these areas represent the key employment sites within the strategic mixed use designation and I note that the majority of these areas are identified within the Local Plan's as allocations or designations accordingly. Notably, these represent the key employment areas identified in BE Groups 2017 Employment Land Assessment (**CD 6.3**).

- 9.109. Conversely, at no point is the appeal site or XTON business park or any other employment location around Euxton Lane cited as being critical to the vision for Buckshaw Village within the Core Strategy or Local Plan. Indeed, there is no direction indication that the appeal site or business park must remain in its current form or contribute to the ongoing employment land supply within Buckshaw Village within the Core Strategy or Local Plan. Whilst I do note that paragraph 5.36 of the Core Strategy does state that all parts of the village are or have the potential to be ranked as best urban according to the employment land review 2009 and Policy 10 seeks to apply a presumption against the redevelopment of these sites for residential use,
- 9.110. I have already set out why this assertion is not the case for the appeal site and why this grading is now regarded as being out of date. Nevertheless, I must re-iterate that the appeal site and XTON business park have never been ranked as representing a 'best urban' employment site. Moreover, the appeal site and XTON business park were not identified with BE Group's 2017 Employment Land Need Assessment – Technical Issues Report (**CD6.3**) in Section 10 or Appendix 10 of that assessment as representing a key/flagship (Grade A or B) employment location within Chorley (see paragraph 10.75 and 12.7).
- 9.111. Instead, the following locations were identified in Chorley:
- Common Bank Area, Chorley
 - Ackhurst Business Park, Chorley
 - Chorley Business and Technology Park, Euxton (Grade B); and
 - Momentum/Southern Commercial Area/Revolution, Buckshaw Village (Grade A)
- 9.112. The Chorley Business and Technology Park, Euxton and the three locations identified as being in Buckshaw Village are all in fact located in the wider Buckshaw Village strategic site designation defined by the Core Strategy. As such, the more up to date evidence provided by BE Group in relation to existing employment locations and their grades corroborates that it is these locations in particular that contribute to the key employment site aspects of the wider Buckshaw Village designation, rather than the appeal site or XTON business park.
- 9.113. There are also some employment, residential and mixed use parcels/allocations that still remain undeveloped within Buckshaw Village. At paragraph 31 of the Development Manager's report, it is noted that there are three areas of land that remain available for employment development, with 3.26 ha at the Revolution, 2.3 ha on Group 1 sites and 2.04 ha on the Southern Commercial Site. Again, these areas could potentially be described as being more critical to the overall vision and requirement associated with the delivery of a key economic site. However, none of these areas relate to the appeal site.

- 9.114. I'd also highlight if it were critical to maintain a certain quantum of employment land or floorspace within the Buckshaw Village designation, one might have expected to see this included within planning policy. However, neither the Core Strategy or the Local Plan set a specific target for the quantum of employment land or employment floorspace to be achieved within Buckshaw Village. Policy EP1 of the Local Plan (**CD2.2**) does include land areas for each of the allocated employment site identified, which total **26.96 ha** but this is not set as an overall target for employment land for the settlement, does not include the appeal site in any event, and the new employment development at Buckshaw Village far exceeds the above amount already.
- 9.115. I also note that the remaining employment parcels at the Revolution site and Southern Commercial site are to be carried forward as allocations in the emerging Central Lancashire Core Strategy (see Table on page 76 of **CD5.1**) and Buckshaw Village is not going to be a priority location for growth going forward because it is now largely complete¹⁷. Critically, the appeal site is not identified as a proposed employment allocation, further demonstrating that it cannot be regarded as a key employment site.
- 9.116. Finally, and as highlighted in Section 7 of my evidence, the redevelopment of the appeal site for housing would not undermine the delivery of the original Buckshaw Village masterplan or hinder allocated development parcels within it to come forward. Indeed, none of the remaining allocated and undeveloped parcels of employment land are located directly next to the appeal site and the redevelopment of the site for housing would not displace any existing businesses or put them under any pressure.
- 9.117. The delivery of Buckshaw Village as a strategic location for mixed use development (for housing and employment) is therefore achieved with or without the redevelopment of the site for employment or housing. Critically, however, the redevelopment of the site for housing does not undermine the performance of the key strategic site in terms of its expected delivery of new employment floorspace because the appeal site has never been allocated or identified for new employment development and employment growth within Core Strategy. On that basis, I conclude that the appeal proposal would not undermine a key economic site and paragraph 123 is therefore satisfied in this particular regard.
- 9.118. With regard to the other strategic and regionally important sites identified in the Core Strategy, I provide a brief summary of where they are up to below. Additional details in relation to the Cuerden Site are contained at **Appendix 16** and for the Samlesbury Site at **Appendix 17**.
- **Cuerden Strategic Site** – The **65 ha** site is only a 10 minute drive north from the appeal site and is located in South Ribble and allocated for employment use within the South Ribble Local Plan. It is located directly on the M65/A49 junction and close to the M6/M65 junction. It is therefore perfectly placed to attract inward investment. It is also owned by Lancashire County Council who are committed to bring the site forward. It remains fully available and a recent application has been submitted by Mapel Grove for an employment led development proposal on 45 ha of the allocation. The proposal will deliver a range of larger B2/B8 premises (155,000 sq m) alongside a range of other smaller light industrial and office premise (32,000 sq m) alongside

¹⁷ Paragraph 3.3 of Regulation 18 Central Lancashire Core Strategy (**CD5.1**)

other supporting uses including 116 homes, retail, hotel, gym, drive thru, car sales, creche, health centre, and a leisure centre. The application remains undetermined but the planning committee were recommended to carry out a site visit at the October 2022 planning committee meeting. If the application is approved in early 2023, I would anticipate that the site would begin to deliver within the adopted plan period.

- **Samlesbury Strategic Site** – This site is located just east of Preston and partly crosses over into the Ribble Valley Boundary. As such, it is more distant from the appeal site when compared to the proximity of the Cuerden Site. The site was a former Ministry of Defence Aerodrome and is now primarily operated by BAE and other supporting companies that are targeted towards the advanced manufacturing sector. The employment site was extended quite significantly as part of the South Ribble Local Plan to include more of the former runway. It benefits from Enterprise Zone status which affords companies that locate there certain tax incentives. Some employment development has come forward (circa 4.1 ha) and approximately **30 ha** (net) of the site remain available for development and an indicative masterplan has been prepared for the site to demonstrate what could be delivered.
- **Botany Bay / Great Knowley** – these sites are addressed under Policies EP1 and EP2 of the Chorley Local Plan (**CD2.2**) and identified as employment allocations EP1.1, EP1.2 and EP1.3 on the Chorley Inset Map (**CD2.2.3**). I address this site in more detail below when considering the impact on the Chorley Employment Land supply and within **Appendix 18** of my evidence but can confirm that the owners are now pursuing more employment development on the site and based on my understanding of the latest planning history position on the various sites and circa **34.1 ha** of employment land remains available for employment development in this strategic location.
- **Preston East and Millennium City Park** (both located in Preston) were existing employment sites at the time of the Core Strategy being adopted with circa 38 ha left to develop. New employment development has since taken place and the February 2022 BE Group Report indicates that **12.84 ha** remain at Preston East (see **CD6.5.3** Appendix 3 / Site EP1.3 proforma). No available land remains at Millennium City Park (site EP1.5) other than 4.16 ha of backland. Both areas remain in employment use.
- **Riversway, Preston** was already a large established employment site / business park over **38 ha** when the Core Strategy was adopted and contained a wide range of employment uses including offices, light industry, manufacturing and warehousing and distribution with good access to the A538. This remains the case. Some additional employment units have been delivered since this and a small amount of housing was also delivered adjacent to the River and south of the railway line. However, the site remains predominately employment.
- **Mossside Test Track, South Ribble** is a large brownfield site that has been promoted for a residential led development including over 1000 homes and employment uses. The hybrid consent granted in November 2019 (application reference: 07/2017/3361/ORM) included outline permission for up to 5,000 sq m of business park for office use, 15,000 sq m of B2 industrial use and 8,000 sq m of B8 use class. The February 2002 BE Group Assessment (**CD6.5**) confirms that this will amount to **5.7 ha** of employment land being delivered on the site (see **CD6.5.5** page 11, Appendix

5 – Site Proforma C2). Delivery of this mixed use site, including the employment development (now known as Titan Business Park) is still expected to take place.

- **Lostock Hall Gasworks**, this former 12 ha brownfield site identified for mixed use has been developed for housing by Morris Homes and others. It is not expected to deliver any employment land and this was confirmed through the South Ribble Local Plan.

9.119. To conclude, it is clear that all three of the principal Strategic Sites within the Core Strategy are still on track to deliver employment development during the plan period up to 2026 and beyond. It is also evident that all are progressing for the type of development intended through Policy 1 and 9 of the Core Strategy, whether that be employment led development or mixed use development. Buckshaw Village is by far the most advanced and the major areas of employment development within parts of the site that fall within Chorley and South Ribble have largely been fulfilled but some employment parcels do remain, particularly within the Chorley boundary at the Southern Commercial site (**2.88 ha**) and Revolution site (**3.36 ha**). Critically, these do not relate to the appeal site. Cuerden still remains undeveloped and at **65 ha** remains an excellent opportunity to meet local needs and attract inward investment. Planning applications for the large site are at an advanced stage and it is expected that development will commence within the adopted plan period timeframe. This will bring a significant amount of employment land to the market in a location that is not far from the appeal site (see plan at **Appendix 2B**). The Samlesbury Site is more distant but is also more advanced than the Cuerden site. There are still large areas of undeveloped and allocated employment land available and incentives remain in place for business to invest that specialise and compliment the operation of BAE and the delivery of advanced manufacturing, which is a key sector for the sub-region. With **30 Ha** remaining for development, the ability for the sub-region to attract inward investment within this technical sector is therefore still very well catered for. As such, whilst all three strategic sites are advancing, there remains **+100 ha** of employment land available to meet a range of employment needs across these three sites. On that basis, I do not consider the loss of the 3 ha appeal site would lead to any adverse consequences in relation to the Core Strategy's growth strategy.

9.120. Other strategic and better located employment sites within Chorley (noting their location on the M61 junction) also remain available at the Great Knowley and Botany Bay mixed use employment allocations, which have lacked progress to date. However, it is now evident that these sites have the potential to deliver more employment land and premises compared to when BE Group last assessed these sites with new employment and industrial led applications having now been lodged with the Council (see proforma at **Appendix 19** and summary table of realistic employment land supply at **Appendix 18** of my evidence). My view is that a combination of progression on these sites and the amount of land available (over 30ha) will address any shorter and medium term issues associated with the lack available small to medium sized industrial and warehouse premises becoming available to the local Chorley market.

9.121. As such, significant opportunities to continue to be available to meet strategic and sub-regional employment growth on high quality sites. These sites have scope to accommodate a range of employment sectors and some are specifically targeted towards key economic sectors relevant to the city region. The loss of an outdated and redundant office building on a comparatively small 3 ha site that sits within the much wider Buckshaw Village site boundary (but pre-dates the wide strategic site's

transformation) does not conflict with the strategic objectives of the Core Strategy to deliver strategic economic growth in these locations. In short, it will not result in the loss of a key economic site or a key economic sector for the Central Lancashire Area and therefore the exceptions set out in paragraph 123 of the NPPF are not triggered when considering the wider economic strategy set by the Central Lancashire Core Strategy.

Impact on the Quantum of Employment Land with Central Lancashire

- 9.122. Policy 9 sets the strategic policy for employment growth across Central Lancashire. Whilst out of date, it still represents the adopted strategic employment growth strategy for the area and supplements Policy 1 of the Core Strategy. Part (a) of Policy 9 (Economic Growth and Employment) confirms economic growth and employment will be provided through the identification of 454 hectares of land for employment between 2010 and 2026.
- 9.123. Table 5 under this policy is copied below and sets out how this will be spread across the three authorities and what it will comprise of in terms of existing supply, allowances for losses, additional provision required up to 2026 and minus take up that occurred during 2009/10.

Table 5: Proposed Provision of Employment Land 2010-2026 (hectares)

	Chorley	Preston	South Ribble
2009 Supply	91	107	179
Allowance for Losses	12	5.5	17.5
Additional Provision to 2026	14	13	27
Minus take-up 2009/10	5	7	0
Total	112	118.5	223.5

- 9.124. The employment land requirements set by the Core Strategy within Table 5 are now very dated and were also heavily influenced by the RSS. As such, I conclude that limited weight should be afforded to these requirements, particularly as this led to the restrictive policy position set by Policies 9 and 10 of the Core Strategy which are no longer consistent with the Framework.
- 9.125. Further background on where the Core Strategy employment land requirements stemmed from is provided in paragraphs 68 to 73 of the Inspector's report (**CD2.1.1**). It is noted that the original figure at the time of submission was for 501 ha (2009-2026) but reduced by the Inspector in the context of expected losses which were originally forecast to be 70 ha across Central Lancashire, with 24 ha originally forecast for Chorley (paragraph 70). As such, the employment land requirements were clearly heavily influenced by the requirements set out in the RSS Policy W3 and Table 6.1 (See **CD4.1**) where the requirement for all of Lancashire was 1,363 ha between 2005-2021

alongside subsequent updates from the Regional Planning Board (RPB) where it was advised that the requirement for all of Lancashire was 1,132 ha, comprising of an existing supply of 987 ha and the need for an extra 145 ha for new allocations for Lancashire. However, policy W3 also confirmed that a review of these requirements should be undertaken every 3 years.

- 9.126. As highlighted at paragraph 70 of the Inspector's Report (**CD2.1.1**), the Lancashire requirement was then proportionally split between the 3 Central Lancashire authorities based on the proportion of existing employment land supply within the respective authorities resulting in the need to allocate an additional 14 ha in Chorley, 13 ha in Preston and 27 ha in South Ribble providing a total of 54 ha. This is reflected in the figures above in Table 5 of the Core Strategy and represented 37% of Lancashire's overall employment land requirement.
- 9.127. It was noted by the Inspector and RPB that this approach may perpetuate an existing imbalance in Central Lancashire but that '***the plan area functions as one integrated local economy, travel to work area and single housing market area***', and therefore any disadvantages of the approach used to quantify the requirements for each LPA was not deemed to be fatal to the methodology or outcome (see paragraph 69 of **CD2.1.1**).
- 9.128. Within this context, the loss of the existing employment site will not result in undue harm to the Core Strategy's objectives for accommodating employment growth. Indeed, the loss of circa 3 ha of employment land represents less than **0.7%** of the Central Lancashire requirement (**454 ha**), and just **2.7%** of Chorley's employment land needs (**112 ha**) as set by Policy 9.
- 9.129. Finally, in considering the loss of the existing employment land within the wider geographical context, I also point to Section 6 of the BE Group Central Lancashire Employment Land Study Update – February 2022 (**CD6.5**). Table 26 on pages 120 and 121 in particular provides an update on major employment land sites becoming available within the wider Functional Economic Market Area of Central Lancashire and its overlap with the neighbouring authority areas of Blackpool, parts of Greater Manchester (namely Bolton and Wigan), Blackburn, Ribble Valley and the three authorities on the Fylde Coast, where additional employment land is provided and new sites are coming forward. I do not intend to dwell on this because the assessment of employment land supply will become overly protracted. However, the simple point to highlight is that employment land is coming forward in other neighbouring authority locations resulting in a constantly evolving flow of additional employment land coming to the market that will be capable of serving the needs of key economic sectors for the Region, including parts of Central Lancashire.
- 9.130. Further to the employment land requirements set by the Core Strategy, it was the subsequent responsibility of the individual Local Authorities to then identify these requirements through the identification of existing supply and the allocation of new sites through their own Site Allocation Local Plans. Reporting in the respective Local Plans on employment land delivery and requirements is a somewhat inconsistent. However, the following amount of employment land was subsequently identified:
- **Chorley Local Plan (July 2015) (See Table 2 on page 33 – CD 2.2).** Further to the Core Strategy requirement of 112 ha, it is confirmed that **5 ha** had been delivered

leaving a residual requirement of **107 ha**. Commitments at the time amounted to 12 ha on unallocated sites. This left a need for **88.7 ha** to be identified in the Plan made up of 14 ha of commitments on allocated sites, 38.5 ha on allocations carried forward, and 36 ha on new allocations. Policy EP1 then goes on to list 17 separate sites where the **88.7 ha** will be delivered and these are specifically identified on the accompanying Policies Map. However, existing employment areas and designations are not listed in a separate policy nor identified on the Proposals Map.

- **Preston Local Plan (2012–26) (See Table 2 on page 67 – CD 3.2)** Further to a Core Strategy target of **118.5 ha** (including existing supply), it is confirmed Preston delivered **22.4 ha** of employment land between 2010 and 2014, leaving a **residual requirement of 96.10 ha**. Together with a few allocations carried over from the Preston 2004 Local Plan (4.15 ha), commitments on allocated sites (44.93 ha), and Proposed Allocations (50.44 ha) a **total of 99.52 ha of employment land is identified under Policy EP1 over 11 sites**, meaning over the plan period there was scope for 122 ha to be delivered in Preston and therefore more than what the Core Strategy anticipated. Policy E2 also goes on to protect existing employment land areas and these are specifically depicted on the Policies Map. The number of sites and area Policy E2 covers is not quantified within the Local Plan but it is safe to say that the overall amount of employment land designated within the Local Plan is far greater than the 99.5 ha allocated under Policy E1.
- **South Ribble Local Plan (July 2015) (See Tables 3 and 4 on page 57 – CD 3.1)** – Further to a Core Strategy requirement of **223.5 ha** (including existing supply), South Ribble calculated a need to identify **44.5 ha** of new employment land through the Local Plan based on the expected losses and requirements set out in Table 5 of the Core Strategy. The Local Plan is not explicit in what had already been delivered between 2010 and the adoption of the Local Plan. However, evidence at **Appendix 20** of my evidence and sourced from the February 2022 BE Group Employment Land Assessment suggests this was **27.56 ha up to 2014/15¹⁸**.
- Table 4 in the Local Plan then confirms that **153.4 ha** of land would be delivered through the new allocations including the Strategic Sites at Cuerden and BAE Salmesbury and 4 new smaller allocations. Within Policy E2, a further 21 existing employment sites are identified totalling **349 ha** of employment land and specifically designated for this purpose on the accompanying Proposals Map for the area. Together, this means South Ribble has **502 ha** of employment land specifically identified in the plan (albeit a large proportion was potentially already developed).

- 9.131. Notwithstanding the inconsistencies in the reporting and mapping of employment land across the three Local Plans, it is clear that each Local Plan was adopted in line with the Core Strategy requirements and met the envisaged employment land needs through the allocation of new employment site allocations (and in the case of South Ribble, the explicit identification of existing employment land designations). However, if South Ribble's approach is applied to the other two authorities (i.e. the allowance for losses is added to the additional required provision up to 2026 as set out in Table 5 of

¹⁸ 14.62 Ha (2010/11) + 12.6 Ha (2011/12) + 0.7 Ha (2012/13) + 0.0 ha (2013/14 and 2014/15)

the Core Strategy), this would result in the respective Local Plans requiring an additional **89 ha** of new employment land allocations as follows:

- Chorley = 26 ha
- Preston = 18.5 ha
- South Ribble = 44.5 ha

- 9.132. What is clear from the above analysis is that **338 ha** of additional employment land was specifically allocated for new employment development in the respective Local Plans, and based on that the requirements within the Core Strategy were significantly exceeded.
- 9.133. Even if the appeal site had been allocated for employment development or anticipated to meet future employment land needs, it would only amount to **0.89%** of the employment land allocations across Central Lancashire as set out in the Local Plans. Furthermore, it would represent an even smaller fraction of all existing employment land within city region.
- 9.134. However, I must re-iterate the fact that the appeal site was not identified as an employment allocation to meet these needs and was not developed or made available for additional employment development during the period of the Core Strategy or Chorley Local Plan being prepared and adopted. As such, it has played no part in accommodating the employment land requirements set by Policy 9 of the Core Strategy or the subsequent Local Plans. Its loss therefore cannot be regarded as undermining the overall growth objectives of the Core Strategy or Local Plans and I can therefore confidently conclude that the redevelopment of the appeal site for housing will not undermine the quantum or distribution of employment land first envisaged by the Core Strategy.

Employment Land Supply based BE Group's Assessments across Central Lancashire

- 9.135. BE Group have been commissioned on several occasions to look at the employment land supply and needs across Central Lancashire in November 2017 (**CD 6.3**), 2019 (**CD 6.4**) and February 2022 (**CD 6.5**) assessments.
- 9.136. I compare the findings of the 2017 and 2022 assessments at Table 9.1 overleaf in terms of what BE Group claim to represent the 'realistic land supply' in the table below after an assessment of each site's availability and ongoing suitability¹⁹.
- 9.137. It shows that the availability of employment land within Central Lancashire is greater in October 2021 than it was in 2017, with a 15.5% increase and 191 ha of local employment land allocated or having been made available for development for employment use. It must also be noted that in the context of South Ribble, BE Group omit the strategic sites at Cuerden and BAE Samlesbury.

¹⁹ For 2022 figures see paragraph 5.36 of February 2022 BE Assessment (**CD6.5**).

Table 9.1: BE Group's Assessment of Realistic Employment Land Supply in 2017 and 2022

LPA	2017 BE Assessment (Ha of Emp. Land)	2022 BE Assessment (Ha of Emp. Land)	Change Ha (%)
Chorley	52.25	56.28	+4.03 (7.7%)
Preston	70.68	82.52	+11.84 (16.8%)
South Ribble ²⁰	52.36	51.98	-0.38 (-0.7%)
Central Lancashire	175.29	190.78	+15.5 (8.8%)

- 9.138. At paragraph 7.19 of the 2022 Assessment, it is noted that Cuerden has a gross area of 65 ha (with the net area to be confirmed) and remaining land in the South Ribble portion of Samlesbury Enterprise Zone is around 30 ha (net). Added to the realistic supply of local sites, BE Group confirm: '***This gives a maximum possible supply of around 286 ha.***'
- 9.139. Compared to the overall Central Lancashire requirements set by Policy 9 at of 454 ha, the remaining possible supply of 286 ha calculated by BE Group therefore amounts to **63%** of the Core Strategy need. Bearing in mind we are now a considerable way through the adopted plan period, with only 3 years left to go until 2026, I conclude that that the appeal proposal will not result in an unacceptable loss of employment land within the Central Lancashire area.

Central Lancashire Employment Land Take Up vs Supply

- 9.140. More detail on past land take is provided in the Central Lancashire – Employment Land Study Update – February 2022 BE Group Report (**CD 6.5**) at Table 27 on pages 124/125. This covers an extended period from 1991 and therefore prior to the Core Strategy plan period. Data for an additional monitoring year for 2020–21 is also provided. It is noted that the average annual land take-up for Central Lancashire over the last 30 years is just over **3 ha** for each of the three authorities and **3.47 ha** for Chorley. **This equates to an average of 9.51 ha per annum take up across Central Lancashire.**
- 9.141. Notably, BE group also provide alternative annual take up figures with anomaly years of delivery discounted. In the case of Chorley this results in an annual take up of 2.62 ha and accounts for the high take of land between 2005 and 2008 – a product of the significant levels of employment development that were committed and being delivered as part of the Buckshaw Village redevelopment proposals during this period.

²⁰ South Ribble figures relate to local employment land supply only and do not include the strategic employment sites at Cuerden and Samlesbury.

This level of employment development unlikely to re-occur in Chorley given the larger employment sites and premises within this designation were well advanced over this period.

- 9.142. As such, I have also calculated the employment take up over the plan period from 2010–2021 in the Table contained at **Appendix 20** and this equates to a take up of:
- **31.3 ha** in Chorley,
 - **13.8 ha** in Preston, and
 - **49.85 ha** in South Ribble.
- 9.143. This equates to an annual employment land take up of **8.6 ha** for the entirety of Central Lancashire and **2.8 ha** for Chorley.
- 9.144. Notably, the above figures do not represent a net employment land take up because the BE Group figures does not appear to include or account for loss of employment land over the reported period. Nonetheless, based on past land take during the plan period, the loss of the appeal site at 3 ha would therefore only represent circa 1 year supply in Chorley and approximately 4 months of supply across Central Lancashire, notwithstanding the fact that the appeal site is not an allocated employment site.
- 9.145. Based on the above analysis, I concluded that the loss of the site for employment purposes would have negligible impact on the Central Lancashire Core Strategy objectives set out under **Policy 1 and Policy 9**. Given the significant amount of employment land that remains available up to the end of the plan period and evidence of relatively slow past up take, I consider the Council's stated harm that would arise from the loss of this appeal site for residential purposes is grossly exaggerated.
- 9.146. Indeed, based on employment land take up figures across Central Lancashire since the beginning of the Core Strategy Plan period (which I calculate to be **8.6 ha per annum**), the 191 ha of realistic local employment land supply equates to **22 years of supply**. If the land at the South Ribble Strategic Sites at Cuerden and Samlesbury are added (which will clearly contribute to meeting local employment needs within Central Lancashire notwithstanding their strategic nature) then there is **over 33 years of supply**. Even if the higher employment land take up rate of 9.51 ha is utilised (derived from take up rates over the last 30 years), this still equates to **30 years** of supply within Central Lancashire.
- 9.147. Whichever figure is utilised, this is a considerable amount of supply which extends significantly beyond the current plan period to 2026. Based on this analysis, the loss of 3 ha of existing land (which I re-stress is not even attributed for in the above figures but would equate to 4 months supply if it did), cannot be regarded as resulting in an unduly negative impact on quantity of employment land supply within the area. Indeed, BE Group's latest supply figures replicated at Table 9.1 above are not affected by the loss of this site. I should also point out that the above supply figures are generated without any scrutiny of BE Group's claimed 'realistic employment land supply'.

Would the proposal undermine the supply and availability of employment land within Chorley generally and/or in the context for offices, light and general industrial and larger warehousing demand?

- 9.148. Further analysis on specific employment use classes and the need for land and premises within Chorley is summarised in the BE Group August 2022 Employment Land Assessment (**CD6.6**). This largely replicates data and information made available within the February 2022 Assessment (**CD6.5**) but distils the main points for Chorley.
- 9.149. Table 1 of the August 2022 Assessment (copied below) summarises BE Group's position on employment land requirements within the Borough.

Table 1 – Full Need, Split by Use Class – Chorley

Period	Use Class (Percentage Split, percent)						Total (ha)
	E(g)(i)	E(g)(ii)	E(g)(iii)	B2	B8	Mixed	
Percentage	14.8	0.0	4.7	13.0	32.6	34.9	100.00
Local Take Up Trend	11.30	-	3.59	9.92	24.89	26.64	76.34
2021 Realistic Supply	3.68	-	20.86*		3.86*	27.88	56.28
Further Needs	7.62	-		-7.35	21.03	-1.24	20.06

Source: CBC/BE Group, 2021

*Indicative split only, in practice larger industrial sites will normally suit both B2 and B8 uses

- 9.150. My general observations on this analysis are as follows:
- The need identified for more employment land within Chorley (which BE Group calculate to be **76.34 ha**) is based on extrapolating the past 30 years of annual employment land take up/development from 2021 up to 2038 and then adding on a buffer for an additional 5 years (see paragraphs 2.1 to 2.4 of **CD6.6**).
 - The amount of realistic employment land supply within Chorley is deemed to be **56.28 ha**, which is replicated in Table 18 of the February 2022 Assessment (page 92 **CD6.5**). I consider the existing realistic employment land supply to be higher at **69.92 ha**, which I come on to address shortly.
 - Based on BE Group's analysis, the suggested shortfall of employment land up to 2038 is calculated to be **20.06 ha** across all employment uses with an over provision of land supply in light industrial/B2 uses at **7.35 ha** and mixed employment land at **1.24 ha** and an under supply of land for offices and B8 warehouses
- 9.151. Paragraph 2.9 of the August 2022 Assessment corroborates this and states:
- 'As Table 1 shows, by this measure the strongest need in Chorley Borough is for B8 warehouse options [21.03 ha]. However, some 7.62 ha of primary office land is also required while the Borough has sufficient land for smaller light industrial/industrial options.'**
- 9.152. The same table and similar analysis is provide at Table 28 and paragraph 7.23 of the February 2022 Assessment (**CD6.5** pages 128/9), albeit I note there is a slight but important distinction in relation to the format of the B8 requirements, with specific reference to the need for land to accommodate 'larger B8 options'.

'Chorley – By this measure the greatest need, unlikely to be met in the current supply, is for land suitable for larger B8 options. Some 7.62 ha of primarily office land is also required, while the Borough has sufficient land for smaller light industrial/industrial options.'

- 9.153. Other points that I have taken from the BE Group August 2022 assessment (**CD 6.7**) in relation to other employment sectors include the following:

- **For industrial units,**
 - vacancy rates are low,
 - the highest demand is for smaller industrial units (50–80 sq m) (paragraph 3.19),
 - recent developments of this nature have been successfully let but the rising costs of construction are making further development increasingly challenging (paragraph 3.20 (i.e. existing building stock), and
 - there remains a shortage of new build and refurbished industrial premises (paragraph 3.21).
 - In this context that BE Group recommend that protecting existing industrial stock in high demand areas is particularly important (paragraph 5.5)

- 9.154. It is accepted that the appeal site does not accommodate such stock and therefore the site's loss will not be at odds with this objective, particularly given it is accepted that there is a surplus amount of land available that can meet future needs. Below, I also demonstrate that sites are coming forward in Chorley that will help to address this more immediate demand.

- **For offices,**
 - Vacancy rates are low (paragraph 4.19),
 - transactions are predominantly for offices of less than 100 sq m to 500 sq m with none taking place in the 5,000 to 10,000 sq m range which is relevant to the existing office building on the appeal site (see Figure 3 – page 15),
 - Post covid, demand is for flexible office spaces (see paragraph 4.21)
 - units of 20–50 sq m are in most demand (see paragraph 4.23), which I would suggest relates to smaller suites available within central, town centre locations or locations like the Digital Hub at Strawberry Fields, Chorley; and
 - Across Central Lancashire, there is enough supply to meet demand in the short term but there is limited development in the pipeline (see paragraph 4.24).

- 9.155. I do come on to the suitability of the site for alternative employment uses when I address Policy 10 criteria below. However, at this point, it is worth generally reflecting on the fact that:

- The Council have now accepted that the existing office building is now redundant and could not be viably brought back into use or redeveloped for offices (see **paragraph 8.14** of the General SOCG – **CD 14.1**). As such, the suggested shortfall of office land up to 2038 is by the because it is accepted that the appeal site will not address this need and the evidence presented in the August 2022 BE Group report is that the demand is for much smaller office units, which I would argue are best located within Chorley Town Centre, which is in line with Policy 9 of the Core Strategy.
 - The site does not currently accommodate any existing small industrial or larger B8 warehouse stock and therefore meeting these more immediate and pressing needs within the Borough is not immediately addressed by protecting the site for employment use.
 - Given the relatively small size of the site at 3 ha, its location and its constraints (i.e. the protect trees, culverts, proximity to a listed building, and set back nature of the existing and larger employment buildings on Euxton Lane), I do not regard the site as being a suitable site to accommodate a larger B8 warehouses/logistics sheds. Protecting the site for larger logistics led development would therefore be pointless, regardless of what position is taken in relation to employment land needs for this sector.
- 9.156. I accept that a smaller industrial or mixed development could be physically accommodated on the site comprising of some offices, light industrial units and smaller B8/trade counter to units (rather than larger scale B8 sheds). However, BE Group's analysis provided in Table 1 above confirms that there is more than a sufficient supply of land for this form of mixed development allocated within the adopted Local Plan and this is sufficient to meet needs up to 2038 and beyond. As such, it is evident that the loss of the site is not going to undermine a key sector because they type of redevelopment that could be physically accommodated (ignoring viability for now) is not underprovided for in terms of land requirements.
- 9.157. I reach the above conclusions without any criticism or scrutiny of BE Group's approach to assessing the shortfall in employment land needs. However, I do have concerns with BE Group's approach and the Council's application of BE Group's evidence in determining the weight that should be afforded to Policy 10 (which I come on to address below). I disagree with the approach and the findings for the following two principal reasons, which I address first:
- BE Group assess the employment land needs up to 2038 and well beyond the adopted plan period, which is principally a matter for the emerging Local Plan, which is only at an initial Regulation 18 consultation stage and the Council accept that no weight should be afforded to this in the General SOCG (**CD14.1**). There are obvious concerns associated with this because there are a number of variables applied within BE Group's assessment that will inevitably alter before the Local Plan is submitted and could be subjected to further change before the emerging Local Plan is ultimately adopted; and
 - As of today, the realistic employment land supply in Chorley has changed since BE Group undertook their assessment with clear evidence that the availability of land at

Botany Bay, Great Knowley and Woodland Centre is now much greater than what was assessed (and therefore any previously suggested shortfall is significantly reduced)

Considering Employment Land Needs up to 2038 and its relevance to the Appeal

- 9.158. The obvious initial criticism is that 2038 stretches well beyond the 2010–2026 adopted plan period and even if BE Group’s position of **56.82 ha** of realistic employment land supply is deemed to be robust, it is pertinent to highlight that this equates to:
- **50%** of the **112 ha** employment land target set for the Borough by Policy 9 / Table 5 of the Central Lancashire Core Strategy
 - **+200%** of the additional **26 ha** of employment land that was to be identified (including an allowance for losses) as set by Table 5 of the Core Strategy; and
 - **63%** of the **88.7 ha** of land actually allocated for employment purposes under Policy E1 of the Chorley Local Plan (2012–2026)
- 9.159. This clearly indicates there is still a considerable amount of employment land supply left within Chorley to meet needs up to the end of the adopted plan period and within the timeframes set out in the Council’s Local Development Scheme (**CD5.2**) for the adoption of the emerging Core Strategy. I consider this to be a significant material consideration because what needs arise in the future up to 2038 should not be a determinative matter for this appeal proposal because the position on what future needs need to be met through the emerging Local Plan could change based on the approach and variables applied to the evidence base and ultimately how a Local Plan Inspector considers these. I consider two key variables below to demonstrate my point.

Key Variable 1: Past Land Take up vs Employment Forecasts

- 9.160. BE Group look at two basic approaches/models to determine employment land needs in the future. One approach looks at past employment land take up. The other looks at economic forecast / jobs growth scenarios. The outcome of the two models in the February 2022 Assessment are set out in Table 41 (page 162) (**CD 6.5**). In the 2017 Assessment, the results are set out in Table 60 (Pages 149/150) (**CD 6.3**).
- 9.161. The land take up model in 2022 shows a need for **58.99 ha** in Chorley based on an average annual take up of **3.47 ha** over a period from 1991/92 to 2020/21. BE Group also cite an alternative annual land take up rate of **2.62 ha²¹**.
- 9.162. The lower figures exclude what BE group describe as anomalous years where more than 10 ha per year over the 2005–2008 period took place further to the delivery of several large logistic sites/properties at Buckshaw Village and over the period of high national market growth. BE’s justification to not remove these anomalies is that they

²¹ See Table 27 on page 124/5 of the 2022 Assessment

largely relate to B8 use class take up and note that this is currently a dominant sector and such take ups could occur again.²²

- 9.163. The point I would raise at this stage is that whilst Chorley did indeed see a large take up of B8 development prior to and during the plan period further to the availability and delivery of the various schemes at Buckshaw Village (i.e. the Revolution site), the authority has now largely exhausted this resource, yet other strategic sites in Central Lancashire (i.e. Cuerden) remain available and as I have highlighted above are now beginning to move forward with planning applications advanced. As such, one would naturally expect to see a future shift in take up patterns of large B8 logistics sheds across Central Lancashire and the wider NW Region as and when such strategic sites become available and deliverable rather than a complete repeat of the past. This is particularly true of the logistics sector which is reliant on large sites next to the strategic highway network and operator specific needs.
- 9.164. As such, an alternative approach would be to look at the take up of employment land over the plan period (i.e. 2010 to 2022) which results in **2.8 ha per annum** (see the Table at **Appendix 20** of my evidence). I consider this would also be a reasonable approach on the basis that it covers a period where some of the redevelopment of Buckshaw Village had already occurred yet there still remained land available. It is also appropriate in the context of considering the appeal proposal because it does still need to be considered in the context of the adopted Local Plan (and its plan period) irrespective of the fact that it is agreed that the main policies are to be regarded as being out of date.
- 9.165. The alternative approach considered by BE Group in the February 2022 Assessment (**CD 6.5**) in terms of looking at what future employment land needs might be is the use of economic jobs growth forecasts. Those cited are provided by Cambridge Econometrics. BE Group model between **2.7 ha** and **6.4 ha** of employment land being required over the newly proposed plan period (up to 2038)²³ based on this data. Notably, the 2017 Assessment illustrated an economic forecast need ranging from **5.2 ha** to **10.6 ha**. As such, the latest economic forecasts for the Chorley area show a reduced requirement compared to before and this could well be explained by the impacts of Brexit and Covid on the employment land market (as noted by BE Group on page 122 of the 2022 Assessment – **CD 6.5**).
- 9.166. It is self-evident that based on the economic forecast models, there is no need to identify more employment land within Chorley (even up to 2038) irrespective of which figure and assessment is utilised because the realistic employment land supply surpasses each of these scenarios for Chorley. Indeed, the February 2022 Assessment confirms the **surplus ranges between 48–54 ha** (see Table ES3 **CD 6.5**).
- 9.167. BE Group go on to note the shortfalls of the forecast data, but I would highlight that they do represent an alternative evidence base and are objectively prepared. The NPPG confirms that ‘employment forecasts and projections’ should form part of the

²² See paragraph 7.14 in 2022 Assessment.

²³ See Table 41 on page 162 of 2022 Assessment and paragraph 7.41

mix of sources used to determine what the future employment land needs of an area should be at paragraph ID: 2a-027-20190220, which states the following:

'Strategic planning policy making authorities will need to develop an idea of future needs based on a range of data, which is current and robust, such as:

- ***sectoral and employment forecasts and projections which take account of likely changes in skills needed (labour demand)***
- ***demographically derived assessments of current and future local labour supply (labour supply techniques)***
- ***analysis based on the past take-up of employment land and property and/or future property market requirements***
- ***consultation with relevant organisations, studies of business trends, an understanding of innovative and changing business models, particularly those which make use of online platforms to respond to consumer demand and monitoring of business, economic and employment statistics.***

- 9.168. Whilst I accept that it does not explicitly state that two forecast models should be considered, the NPPG confirms that a range of data needs to be taken into account and 'forecasts' are referred to plurally. It is therefore common to see Employment Land Assessments compare forecast data other companies such as comparing Cambridge Econometrics data against Oxford Economics and Experian. This was certainly BE Group's approach towards the Warrington Local Plan where Appendix 6 and 7 of their 2021 Economic Development Needs Assessment contained full details on the forecasts from both Cambridge and Oxford forecasting companies/models (**CD 9.1**).
- 9.169. Such comparisons have not been undertaken in this instance and therefore I do not believe the forecasts that have been presented by Cambridge Econometrics can be instantly dismissed as a source of reputable information. Indeed, the benefit of obtaining two reputable economic forecasting models will aid any understanding as to whether one is presenting significantly different outcomes. I would argue that employment forecast data could not be so readily dismissed if two reputable models delivered broadly similar results.
- 9.170. I accept that the results from two forecasting models would still then require consideration against other sources of information, as set out by the NPPG but the lack of any formal comparisons from this particular data source, or consideration of demographically derived labour supply²⁴, restricts the ability to sense check any needs that arise from a past land take up methodology. I go on to address this, but this was a direct criticism raised by the Local Plan Inspector in their recently published interim findings to the Warrington Local Plan, where BE Group also advised the Council. The lack of full information on this matter underscores my point that limited weight can be

²⁴ Which BE Group expressly decline to do at page 122 of the February 2022 Employment Land Assessment (CD6.5) despite this being a relevant consideration highlighted by the NPPG ID: 2a-027-20190220

afforded to BE Group's preference for a straight application of past employment land take up, but this will be a matter for the emerging Central Lancashire Local Plan inspectors to grapple with.

Key Variable 2: Application of a Buffer

- 9.171. Against the options/models presented by BE Group, a 5 year buffer is applied to all of them to allow for choice/competition in the market / availability of land, etc. This results in an additional **17.35 ha** of land being required for Chorley²⁵.
- 9.172. Based on the economic forecast approach, the 5 year buffer ranges between **0.75 ha** to **1.78 ha**.
- 9.173. At paragraph 7.16 of the February 2022 Assessment (**CD 6.5**), BE Group note there is no set guidance on this approach. Indeed, neither the NPPF or NPPG require a buffer to be applied to employment land requirements. However, BE Group go on to state that a 5 year buffer has been accepted at various Local Plan examinations they have been involved with.
- 9.174. Irrespective of whether this is the case, it firmly remains a matter for the emerging Core Strategy rather than a matter that this appeal should be tasked with determining. Indeed, there may well be a case for a more moderate or no buffer to be applied in the context of Chorley depending on what circumstances and impacts would occur.
- 9.175. Indeed, I am aware that BE Group recently advocated a 3 year buffer in Warrington at the ongoing Local Plan EIP and defended calls and representations that sought a 5 year buffer (see paragraph **2.3** of **CD9.2**), which demonstrates that there are no rigid requirements in this regard (unlike the need to apply a 5% buffer to the 5 year housing requirement in Chorley to provide flexibility and choice, which is a clear policy requirement of the NPPF).

Conclusion on Key Variables

- 9.176. In order to demonstrate why limited reliance should be placed on BE Group's stated future employment land requirements up to 2038, it is pertinent to look at the Inspector's interim findings to the Warrington Local Plan, which were issued on 16th December 2022 (see **CD9.5** paragraphs 4 to 18).
- 9.177. In short, the BE Group assessment had not considered demographically derived labour supply assessments (as set out above, this is expressly a relevant factor applying the PPG). Further information was provided during the examination hearings at the request of the Inspectors.
- 9.178. In their post hearing letter (**CD 9.5**), the Inspectors concluded that increases in the labour force that could be anticipated as a result of the Local Plan housing requirement

²⁵ At paragraph 7.50 of the February 2022 Employment Land Assessment (**CD 6.5**), BE Group confirm that the five year buffer accounts for further possible losses in employment land as well.

suggested a much lower employment land need than that implied by projecting past take. In addition, the difference between Warrington Council's employment land figure and the forecasts was substantial. The Inspectors were concerned that there should be at least broad alignment between employment land provision and housing provision for the housing market and economy to function effectively. Translating potential increases in the resident population into jobs growth, and then land requirements, the Inspectors have therefore proposed a Main Modification to reduce the 316ha figure suggested by Warrington (on the basis of the work by the BE Group) to 168ha. No concern was expressed with a 3 year buffer. The consequence of this is that the Inspectors have also recommended the deletion of a strategic allocation (in respect of which an application has been submitted for logistics development).

- 9.179. Whilst Warrington's Local Plan faced its own individual issues, what is initially evident from the Inspector's report and the above evidence is that employment land requirements can vary significantly and alignment of expected jobs growth with future housing targets is also a very relevant consideration.
- 9.180. Warrington Council have confirmed that it will proceed with the consultation on the Main Modifications suggested by the Inspector (**CD9.5.2**). Nevertheless, for transparency, they have published a response by BE Group to the Warrington Local Plan Inspector Comments (see **CD9.5.1**). They do not accept all of the Inspector's comments, principally on the basis that they expect the Borough to see a high proportion of B8 type uses to come forward within Warrington (which have low jobs densities), but they do not dismiss the Inspector's approach out of hand and accept that different employment use classes will generate different needs and requirements. In particular, BE Group highlight that the historic growth in office development achieved between 1996-2020 is not envisaged to continue going forward to 2040, with future development likely to have a greater focus on B8 warehousing.
- 9.181. What is clear, however, is that at this moment in time it would certainly appear that the Inspector's in Warrington have not shared BE Group's view that relying on past land take up and applying a 3 year buffer is entirely justified. Ultimately, it confirms that BE's recommendations in relation to Central Lancashire's future employment land needs up to 2038 cannot be fully relied upon at this stage.
- 9.182. Notably, BE Group state the following in their response to the Inspector's comments at Warrington **CD9.5.1**:

'It is recognised that there is not one definitive methodology for establishing employment land needs and that it is a professional judgement which needs to be made following the guidance set out in the PPGs and taking into account the best available evidence. It is also acknowledged there will always be uncertainty in looking forward over the Plan Period as a whole in terms of economic trends. The effectiveness of long term forecasts of economic change are further complicated by unanticipated events such as Brexit, the Pandemic and more recently the implications of the Russian Invasion of Ukraine.'
- 9.183. The above statement supports my reservations around determining the application and this appeal on assumptions that seek to determine what employment land requirements might be up to 2038, and what the envisaged shortfall is as of today. As already stated, determining which approach should be applied will be a matter for the

preparation and examination of the new and emerging Central Lancashire Core Strategy and is not a matter for this appeal.

- 9.184. Whilst I note that the Central Lancashire Authorities have now released the Regulation 18 Core Strategy Plan (Draft CLCS) (**CD 5.1**) in December 2022 and consultation is now underway, the Council are still in the process of accepting representations to this draft until the end of February 2023. Those representations will need to be considered before drafting a regulation 19 version of the Core Strategy, which may vary considerably in terms of its policies and the evidence base that sits behind it before it is then submitted to the Secretary of State for an independent examination. In short, the Draft CLCS has a considerable distance to go as does the evidence base that sits behind it. Indeed, the 2022 Central Lancashire Local Development Scheme (CLLDS) does not envisage adoption of the emerging Core Strategy until **July 2025**, following an anticipated examination starting in October 2024.
- 9.185. I note that the Draft CLCS (**CD 5.1**) identifies the following 11 employment site allocations for Chorley on **page 76**. These total **34.9 ha** and include some new sites as well as excluding or reducing a number of the sites/site areas BE Group currently state form part of the realistic employment land supply in the February 2022 Employment Land Assessment. There has been no suggestion that the appeal site should be allocated or safeguarded on the basis that it is a 'key site' notwithstanding the fact that the Council were aware of the proposal for residential development (despite the fact that permission refused in September 2022)
- 9.186. I also note that the respective Central Lancashire Authorities are undertaking a further call for sites as part of the Regulation 18 consultation process and therefore additional and/or alternative sites may come forward. On that basis, the above list of sites should not be regarded as being complete or conclusive but it does help to illustrate that new opportunities (that have presumably been put forward by the respective land owners as part of previous call for site consultations) will come forward in the future. As such, there is no realistic way of understanding what shortfall in employment land may exist up to 2038.

Allocation Ref	Location	Site Area (ha)
CH/EP1.1	Southern Commercial, Buckshaw Village	2.04
CH/EP1.2	The Revolution, Buckshaw Village	2.88
CH/EP1.3	Land at Bagganley Lane, Chorley	6.66
CH/EP1.4	Cowling Farm, Chorley	0.30
CH/EP1.5	Woodlands, Southport Road, Chorley	1.55
CH/EP1.6	Botany Bay, Chorley	8.82
CH/EP1.7	Land East of M61, Chorley	6.92
CH/EP1.8	Bengal Street Depot, Chorley	0.35
CH/EP1.9	Land at Euxton Park Golf Centre, Euxton Lane, Chorley	0.69
CH/EP1.10	Land to the East of Wigan Road, Clayton-le-Woods	3.50
CH/EP1.11	Land south west of The Green and Langton Brow, Eccleston	1.19

Pegasus Group's Assessment of Realistic Employment Land Supply in Chorley

- 9.187. I provide evidence below on what I consider to be a realistic employment land supply in Chorley as of today.
- 9.188. I provide updated proforma on all of the allocated employment sites allocated in the Local Plan at **Appendix 19** of my evidence and then summarise the employment land supply within Chorley in the table at **Appendix 18** of my evidence, which includes summary comments and alternative employment land figures where the latest evidence / circumstances demonstrate this is warranted.
- 9.189. The main changes to the realistic employment land supply further to my assessment of each site are as follows²⁶:
- **Site EP1.1 Great Knowley** – This strategic employment allocation is identified on the Chorley Inset Map (**CD 2.2.3**) as a mixed use housing and employment designation with the reference EP1.1/HS1.8. Policy EP2 confirms the overall allocation measures **23.7 ha** and will include B1/B2 employment, 200 residential units, café and restaurants and water based leisure/recreation uses. Policy EP1 of the adopted Local Plan states that **14.1 ha** of this mixed-use site will be for B1/B2 employment uses. As such, 9.6 ha is assumed for residential and other uses. BE Group reduced the 14.1 ha of employment land to **11.73 ha** on the basis that approximately half of the overall site allocation (the northern half) was now subject planning applications for residential development (see Appendix 2 of the 2022 Employment Land Assessment **CD 6.5.2**). However, more recent planning history on this site indicates that more employment land will come forward. A live planning application (22/01243/FULMAJ), validated in December 2022, is seeking detailed planning consent for an employment development comprising 75 units across a range of buildings with a combined total 29,971 sqm floorspace, in Use Classes E(g), B2 and B8). The application site area is 6.30 ha and located at the northern most section of the allocation (see site layout plan at **Appendix 21a**). The supporting Planning Statement (see extract also at **Appendix 21b**) confirms that the intention is to now bring this land parcel forward for employment development – and will therefore supersede the previously approved application on this area of the allocation for 233 dwellings (Reference: 19/01113/OUTMAJ). Whilst the residential application remains extant until December 2024, the new planning application clearly indicates the Landowner's intention to now bring this area forward for employment. In terms of the rest of the allocation, an extant planning application is in place (Reference: 17/00716/OUTMAJ) for 100 dwellings (see site layout at **Appendix 21c**), comprising of a site area of 4.9 ha. As such, the majority of the 23.7 ha allocation is available for employment land use in principal, with only one residential planning application (17/00716/OUTMAJ at 4.9 ha)

²⁶ As an aside, I measure the remaining gross land area at the Clayton-le-Woods mixed use allocation (**Site EP1.15**) as being 9.6ha. This relates to the three fields without planning permission located along Shady Lane. However, I have not adjusted the Council's 8.03 ha figure in relation because I note that part of the site includes a circa 1 ha woodland area that may require some level of offsetting.

showing potential for progression. This leaves approximately **18.8 ha** to be included within the Council's realistic employment land availability figure.

- **Site EP1.2 – Botany Bay, Chorley** – This strategic employment allocation is identified on the Chorley Inset Proposals Map (**CD 2.2.3**). Policy EP.1 of the Local Plan (**CD 2.2**) indicates that it will provide **5.9 ha** and this is also reflected within the 2022 February BE Group Assessment (**CD 6.5**). The hatched symbol next to the site reference within Policy 1 indicates that the site could come forward as part of a mixed use scheme and this is also reflected in Policy EP2, where it is noted that the entire allocation actually measures **8.8 ha** and a range of town centre uses including hotel, leisure and retail uses would also be acceptable. Permissions of this nature were previously approved on the site. However, the vast majority of the allocation (excluding the existing Botany Bay building) is now subject to an employment development proposal by First Investments, which has a July 2022 committee resolution to approve subject to the signing of a s106 agreement (see committee report and minutes at **Appendix 22a and 22b respectively**). This hybrid application includes 30,200 sq m of industrial floorspace across the majority of the site allocation with the application site area being 8.2 ha (see proposed layout at **Appendix 22c**). The only retail use is a relatively small drive thru restaurant that is to be located at the site's entrance and this part of the site measures **0.4 ha**. I understand that the former Botany Bay Mill building is also likely to be converted to First Investments head office and a self-storage facility²⁷. This would indicate that only 0.4 ha of the 8.8 ha site will not be come forward for employment use, meaning the total realistic employment land supply from the site now measures **8.5 ha**. This result in an increase of **2.23 ha** of realistically available employment land compared to what is within the 2022 BE Group Assessment (**CD 6.5**)
- **Site EP1.9 – Woodland Centre, Southport Road.** This is a comparatively small employment allocation comprising of scrub and woodland on the former Edge Hill University Campus. It is also identified on the Chorley Inset Map (**CD 2.2.3**) and surrounded by a wider yellow hatched area which is identified in the key as 'EP11 – Further and Higher Education Facilities'. Policy EP.1 confirms the employment allocation is **0.8 ha** and BE Group retain this within the realistic supply in the 2022 Employment Land Assessment (**CD 6.5**) but note that it is constrained. However, my site visit observations are that the wider campus is now vacant. Policy EP11 confirms that the wider site is suitable for office, education or training use. As such, there is adopted policy support to bring the site forward for Eg(i) use. I measure the entire designated education site as circa **6 ha**. I note that the Council have indicated within the emerging Central Lancashire Local Plan (**CD 5.1**) on page 76 that **1.55 ha** of site could come forward for employment development and on page 67 that **3.61 ha** could be delivered for **97 homes**. However, no planning application has been lodged at this stage and therefore I consider there is land available at this site for **5.16 ha** of office development based on the adopted planning policy for the site.

²⁷ see extract of planning statement for a current application (reference: 22/01080/FULMAJ) on this part of the site at **Appendix 22d** of my evidence.

- **Site EP1.17 – Land to the rear of New Street, Mawdesley** – I have removed **0.3 ha** from the **0.6 ha** employment site **EP1.17** on the basis that the northern half of the site now has planning permission for 4 residential dwellings.

9.190. By adjusting the Council's employment land supply position with the above information, I calculate the 'realistic' employment land supply in Chorley as being **69.91 ha** and therefore some **13.65 ha** greater than what BE Group claim.

9.191. If we compare the 'realistic' employment land supply figures in Chorley to past take up over the last 30 years (with and without the anomaly years included) and the land take up rate achieved during the adopted plan period (2010-22), the following supply in years is calculated at table 9.2 below.

Table 9.2 – Realistic Employment Land Supply in Chorley based on Past Take Up Rates

BE Group Realistic Supply Feb 2022 (ha)	56.28
Years Supply (Plan Period Take Up at 2.8 ha per annum)	19.8
Years Supply (Last 30 years at 2.62 ha per annum with anomaly years removed)	21.5
Years Supply (last 30 years at 3.47 ha per annum)	16.2
Pegasus Group Realistic Supply (ha)	69.91
Years Supply (Plan Period Take Up at 2.8 ha per annum)	24.6
Years Supply (Last 30 years at 2.62 ha per annum with anomaly years removed)	26.7
Years Supply (Last 30 years at 3.47 ha per annum)	20.2

9.192. Even based on BE Group's employment land supply figures, the above analysis indicates that Chorley has sufficient employment land for at least another full 15 year plan period and in most scenarios, well beyond this.

9.193. Bearing in mind, we are now a considerable way through the adopted plan period with only 3 years left to go, I maintain the view that Chorley has a significant amount of available land for employment development opportunities and the loss of 3 ha of existing employment land (which is not included within Chorley Council's site allocations or BE Group's assessment of employment land supply) will not result in an unacceptable loss in terms of the quantity of land required to meet the local plan objectives and would therefore not undermine the amount of employment land available or a key employment site.

9.194. In terms of considering the impact on certain employment sectors, it is not entirely clear how BE Group have rationalised what realistic land supply should fall within each use class sector but I do note that the vast majority of their supply falls into the mixed category. However, based on my employment land supply table at **Appendix 18** of my evidence, the only sites that are currently limited to delivering just office development (E(g)(i) Use Class) based Policies EP1 and EP11 of the adopted Local Plan relate to the Woodlands Centre (**5.16 ha**) and the small rural site in Mawdesley (**0.3 ha**). This is a relatively small proportion (**8%**) of the employment land supply that I do identify at **69.91 ha**, which is predominantly benefits from allocations and/or permissions that allow for a range of employment uses to be delivered (Eg, B2 and/or B8). On that basis, I consider there are a good range of employment sites available that can meet a range of employment sector needs within Chorley now and into the future.

Conclusions on Consideration Against Paragraph 123

- 9.195. To conclude, in light of the reasons I set out earlier in this section, the evidence on housing need at Section 8, and the above evidence on employment land supply within Central Lancashire and Chorley, I attach very limited weight to Policy 10 in the Core Strategy. Conversely, I attach significant weight to paragraph 120 and 123 of the NPPF and substantial weight on the re-use of previously developed sites to meet the identified housing need and shortfall.
- 9.196. In light of all of the above evidence, I am confident that the redevelopment of the appeal site will not undermine a key employment site or a key employment sector. On the basis that there is a pressing need for market housing and affordable housing in Buckshaw Village, the appeal proposal is fully aligned with paragraph 123 of the NPPF and should therefore be determined positively in the context of paragraph 123 and the planning balance applied by paragraph 11 of the NPPF and paragraph MP of the Core Strategy (which I address in section 11 of my evidence).

Consideration of the Appeal Scheme against Policy 10

- 9.197. Notwithstanding my position set out above, I go on to address Policy 10 below and in particular, I comment on how the Council determined the planning application against the various criteria in relation to those criteria that remain in dispute.
- 9.198. It is agreed in the Employment Land and Viability SOCG (**CD 14.2**) and the Council's Statement of Case (**CD 13.3**) that the following criterion are satisfied:
- criterion b (need for the proposed development) – see **Section 8** of my evidence;
 - criterion e is satisfied and not contested; and
 - Criterion f), as the appeal proposal will result in a net improvement in amenity.
- 9.199. Under each criteria, I review the Council's SPD Controlling Re-Use of Employment Premises (**CD 2.3**), how the Council considered each matter in the committee report, how the Council has considered the matter in relation to other employment land sites proposed for residential development nearby (see **CD9.3**, **CD 9.4** and **Appendix 13** of my evidence in this regard) and then provide my own position on the matter.
- 9.200. The Council prepared an SPD on Policy 10 in October 2012, shortly after the adopted of the Core Strategy. The adopted SPD 'Controlling Re-Use of Employment Premises' expands on the policy 10 criteria and provides guidance on information that needs to be submitted in relation to these criteria. The SPD emphasises the Council's starting point that employment sites should be retained unless an Applicant wishing to change the use can demonstrate that the criteria in Policy 10 have been addressed. Whilst the SPD is a material consideration, it is not statutory policy and is equally subject to the considerations I have already set out earlier in this section in respect of the consistency of Policy 10 with the NPPF and why Policy 10 is regarded as being out of date.

(a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply

- 9.201. I have dealt with these issues above and therefore I do not repeat my primary evidence in relation to the quality or quantity of employment land supply in Central Lancashire or Chorley. Taking all of that evidence into account, there clearly would not be an unacceptable reduction in the type, quality or quantity of employment land supply, particularly having regard to the more up to date policy in paragraph 123 of the NPPF.

What the SPD states:

- 9.202. The Council's Controlling Re-Use of Employment Premises SPD states that:
- 'An unacceptable change is one which would result in any reduction in the type, quality or quantity of employment land unless this type, quality or quantity has been identified as surplus within the borough/settlement/area against requirements identified by the local authority annual monitoring process and/or by the Chorley, Preston and South Ribble Employment Land Review (2009).'*
- 9.203. In terms of the above paragraph, it is clear that the intention of the SPD (and Policy 10) is to prevent 'any reduction' in employment land. I have already highlighted how this is not consistent with the NPPF and in particular paragraph 123 which requires a positive approach to be taken to the reuse of previously developed, non-allocated employment sites.
- 9.204. Paragraph 17 of the SPD then goes on to confirm that the existing stock of employment premises and sites has been assessed through the Employment Land Review (2009 version CD 6.1) and evaluated into categories. It goes on to confirm that a balance of quality, type and size of sites is required to meet the needs of a range of new and established businesses and so as to attract inward investment.
- 9.205. In terms of the site's category/ranking, I have already addressed how the appeal site ranked back in 2009 as being within a wider Good Urban employment area but I have also highlighted why this evidence is now considerably out of date, did not pick up on all of the constraints affecting the site and did not assess the appeal site alone or in the context of its current state. I have also already highlighted the fact that the appeal site and surrounding XTON business park was not specifically identified by BE Group in 2017 as a Grade A/Best or Grade B/Good ranking site, which would indicate that it was not regarded as being a critical existing employment site. I have also already highlighted how an assessment of the site now would result in a very low ranking compared to other employment sites within the Borough based on BE Group's scoring matrix.
- 9.206. Paragraph 18 then confirms that the amount of land employment land required across Central Lancashire is set out in paragraph 9.4 and Table 5 of the Core Strategy and each Council will monitor the employment land supply and taken up and losses to allow for an assessment against the impact on supply..
- 9.207. My evidence demonstrates there is a realistic employment land supply of **69.92 ha** and this is across a range of locations, including larger sub-regional employment sites,

local employment sites and some smaller rural and urban employment sites. Whilst it is evident the Council would like more employment land, this still equates between **20-24 years** supply based on historic past land take up (depending on what annual requirement is applied).

- 9.208. A matter which I have not addressed previously is employment land losses. I do not consider this to be a critical consideration in the context of this appeal (noting the extent of realistic employment land that still remains available) but I do provide evidence on this matter below.

The Extent of Past Employment Land Losses in Chorley

- 9.209. The proposed employment land required across Central Lancashire assumed a loss of **35 ha** across the sub-region with **12 ha** expected to be lost in Chorley over the course of the plan period (as set out in Table 5 of the Core Strategy).

- 9.210. Paragraph 9.4 of the Core Strategy states:

'....The table includes a figure for assumed losses of employment land/premises and development to an alternative use, in particular housing. Existing losses have been averaged between 2004 and 2009 and projected over the remaining 17 year period of the Core Strategy. Losses need to be accounted for as otherwise there will be a significant reduction in the overall stock of employment land and premises across Central Lancashire to cater for a range of businesses and employers.'

- 9.211. Paragraphs 9.6 and 9.7 also confirm:

'9.6 - Older individual existing premises (such as former mills) generally scored less well in the assessment, usually because they are less well located and less suited to modern uses. Most of these will be classed as 'Other Urban' premises. However, many of the 'Other Urban' sites will be quite acceptable to the firms that use them and be in demand from similar businesses as they will often provide affordable accommodation with lower rental levels. Also such premises will often be close to local supplies of labour making journeys to work short and inexpensive.'

'9.7 - On the other hand some of these older premises will be at the end of their useful life a commercial buildings for various reasons and may be more appropriately redeveloped for other uses. Housing is the most common alternative use and attractive to land owners because of the high value that goes with it....'

- 9.212. As such, there is a clear expectation within the Core Strategy that some employment land will be lost during the plan period alongside the allocation of additional employment sites through the subsequent Local Plan process.

- 9.213. In terms of monitoring what employment losses have actually occurred across Central Lancashire, the latest Central Lancashire Monitoring Report (covering the period between April 2019 and March 2020) (**CD 6.10**) does not report on this matter. The various BE Group assessments are also somewhat opaque in terms of what actual employment land losses have occurred over the plan period but they all consistently

highlight that losses will continue to occur and this is factored into any conclusions on emerging and future employment land needs going forward. Indeed, based on the employment forecasts used in the 2022 assessment, Table 38 on page 159 suggests that employment land reduction will amount to **29.2 ha** between 2021 and 2038 across the sub-region.

- 9.214. Within Chorley Borough, more detailed information is provided within the Employment Land Monitoring Report 2022 (**CD 6.7**) at Table 7 on page 20 (copied overleaf). This illustrates a loss of **26.2 ha** up to 2021/22 over the course of the plan period. This equates an average of **2.18 ha per year**. Whilst this is higher than the allowance allowed for in the Central Lancashire Core Strategy at 12 ha, that was an estimate at the time and not a set policy target.

Table 7 Loss of Employment Land to other uses (hectares) 2010 to 2022

Year	E(g)	B1(a)	B1(b)	B1(c)	B2	B8	MU	A2/E(c)	Total
2010/11	-	-2.85	0	0	-0.03	0	-0.43	0	-3.31
2011/12	-	-1.35	0	0	-3.13	-2.19	-1.57	-0.30	-8.54
2012/13	-	-0.05	0	-0.80	-0.92	0	-1.39	0	-3.16
2013/14	-	-0.76	0	-0.03	0	-0.04	0	0	-0.83
2014/15	-	-0.52	0	0	0	-0.02	-1.7	-0.29	-2.53
2015/16	-	-0.17	0	-0.07	-0.05	0	-0.34	0	-0.63
2016/17	-	-0.27	0	0	-1.00	-0.01	0	-1.22	-2.48
2017/18	-	-0.36	0	0	-0.23	-0.01	-0.10	-0.00	-0.70
2018/19	-	-2.54	0	0	-0.40	-0.09	0	-0.06	-3.09
2019/20	-	-0.13	0	-0.02	-0.02	0	0	-0.03	-0.2
2020/21	0	-0.07	0	0	0	-0.05	0	-0.01	-0.13
2021/22	0	0	0	-0.02	0	0	-0.56	-0.02	-0.6
Total	0	-9.07	0	-0.94	-5.78	-2.41	-6.09	-1.93	-26.2

- 9.215. It is important to stress that the above losses relate to all existing employment land within the Borough and not the employment allocations identified within the adopted Local Plan. Given the total amount of employment land within the Borough is not quantified or evidenced within any of the Council's up to date and relevant employment land assessments, it is not possible to determine what these losses equate to in percentage terms when measured against all employment land stock. However, I would estimate that it would be a very small proportion overall.

- 9.216. In reality, past and future predictions of employment land losses can never be exact. Indeed, at paragraphs 70 and 71 of the Inspector's Report to the Core Strategy (**CD 2.1.1**), the following was stated:

'70. ...An allowance has been made for losses from employment to non-employment uses during 2009–2026, based upon average annual losses during the 5 years up to 2009. For this 17 year period, it is estimated that 11 ha will be lost in Preston, 35 ha in South Ribble and 24 ha in Chorley, a total of 70 ha. Continuing with the same percentages, the Councils estimate an additional requirement of 13 ha (Preston), 27 ha (South Ribble) and 14 ha (Chorley), again bringing the Central Lancashire total to 54 ha. Hence the 501 ha for which Policy 9 provides comprises 377 ha (2009 supply), 70 ha (allowance for losses) and 54 ha (additional provision).

71. To accord Policy 9 better with the plan period, the Councils calculate that during 2009/10 there was a take up rate of 7.23 ha in Preston, nil in South Ribble

and 5.15 ha in Chorley, a total of approximately 12 ha. This helpfully updated figure has been deducted from the 501 ha in the Policy to the 489 ha (2010-2026) of the Suggested Examination Hearing Changes. Prediction is an inexact science, especially at a time of economic uncertainty...'.

- 9.217. What is also clear from the above is that the originally submitted Core Strategy included an allowance for **70 ha** of employment land to be lost (and 24 ha to be lost in Chorley). This is further confirmed at paragraph 73 of the Inspector's report which states:

'73...new businesses often start in existing buildings on small sites where rents are relatively low and in locations where there is opportunity for employees to walk to work. Poor quality sites and premises may, therefore, have an economic value greater than their appearance might suggest. Some premises may have been held back in the hope of a more beneficial planning permission for housing, and the resistance of Lancashire County Council to the loss of employment land is noted. Instead of expecting the loss of as much as 70 ha on the basis of present trends, the Councils may wish to include no more than about half of it (35 ha) in their calculations. Any such additional modification would accord with the somewhat more rigorous stance introduced by the minor re-wording to the Policy [10] of the Suggested Examination Hearing Changes and the need to protect suitable sites for new employment generating businesses.'

- 9.218. Whilst I note the original allowance for 24 ha of employment land loss is still less than that has been recorded in Chorley over the plan period at 26ha, it is not dissimilar. As such, I do not regard the extent of losses to be significant or unduly problematic because they seemingly reflect past, historic trends that one would expect to take place within the Borough. Bearing in mind there is also a considerable amount of employment land allocations that remain undeveloped within Central Lancashire and Chorley, which is sufficient to meet needs well beyond the adopted plan period, also indicates that the past losses are not unduly problematic because the Borough has plenty of scope to deliver new employment premises as and when such sites become viable to deliver.
- 9.219. As a final point, and in reflection of the Inspector's comments new business being able to start in existing buildings with low rent expectations (and this being a benefit to the wider economy), I must reiterate that the existing office building now has an energy efficiency rating of G and cannot therefore be re-let in its current state and it is agreed between the Appellant and the Council that it would not be viable to reuse or refurbish the existing building. On that basis, this suggested benefit identified by the Core Strategy Inspector would not arise in the case of the appeal site.

What the Officer's Report states for the Appeal Proposal

- 9.220. In the Planning Manager's report (**CD 11.2**) the relevant analysis on this matter is provided at paragraphs 30 to 35 where the following is stated:

30. The range of employment sites allocated in the Local Plan include a variety of sites with the aim of providing choice and to meet a range of needs and uses of different types of employer. At 1 April 2022, 71.79 hectares of employment land was available in the borough for employment uses. This includes 65.18ha of Local Plan allocations remaining (out of a total of 88.74ha allocated in the Local Plan

comprising 15 employment sites), 15.14ha of which has planning permission for employment use. In addition, 6.61 hectares of non-allocated land has planning permission for employment development.

31. At Buckshaw Village there are three areas of land for employment available (3.26ha at the Revolution, 2.3ha on Group 1 and 2.04ha on the Southern Commercial site). Within Chorley Town as a whole there remains 7 allocated sites available for employment use amounting to 41.38ha (gross).

32. A Central Lancashire Employment Land Study was prepared in 2017 by BE Group and updated in February 2022. The update identified a need of 76.34ha of employment land to 2038 in Chorley Borough, with a realistic supply of 56.28ha. This results in an undersupply of 20.06ha. The Study states that Chorley needs to protect its existing supply of employment land and identify another 20.06ha of new employment land to 2038 to meet the undersupply. It identifies that of the 20.06ha of employment land needed, there is an anticipated need of 7.62ha for office uses.

33. In August 2022, a Chorley Market Update was prepared by BE Group which provides an updated picture of need and demand for employment land and premises in the borough. It builds upon the Central Lancashire Employment Land Study 2022 and updates the research particularly in relation to the office market. The key findings relating to the office market in Chorley are:

- National and regional office markets are recovering from the Covid-19 Pandemic and large flexible offices are now popular.**
- Based on transactions the most active locations in the borough are Ackhurst Business Park, Railway House and Euxton Lane.**
- There has been a significant reduction in the number of offices being marketed. In June 2021 55 offices were marketed but this reduced to 36 in July 2022.**
- Based on the 36 offices being marketed in July 2022, Chorley only has 18–21 months of available premises to meet its needs.**
- Occupancy rates of offices are identified as 94.3% by premises number and 93.8% by floorspace. This suggests that the borough has a reasonably healthy market for offices, with enough premises to meet needs with no oversupply, but little scope to reduce stock.**
- There is enough supply to meet demand in the short term however the lack of new development planned will increasingly lead to supply shortages.**

34. The applicant has assessed the loss of 3.02 hectares (gross) of 'B' use class employment land in respect of the Core Strategy/Chorley Local Plan requirements (to 2026): Table 1/Policy EP1/Chorley Employment Monitoring Report and finds the reduction to be less than 5% than what is available.

35. It is noted that permission was granted for 5 offices on EP1.13 Land at Barnes Wallis Way, Wallis Way, Buckshaw Village. The first of these offices is now complete, with work on the remaining 4 offices not started as of April 2022.

These are approximately 100m north of the application site although separated by the railway and accessed from Ordnance Road.

- 9.221. The clear message and rationale applied by the Planning Manager at the time to justify refusing the planning application was very much centred on the existing and future needs and demands for office space and seemingly assumed that the existing site provided an existing office building that could help to address such needs. Indeed, at this stage, no reference was made in relation to the need for light industrial or warehouse space. If the latter employment uses were deemed to be critical considerations or key employment sectors for this area, one would have expected the Planning Manager to raise this within the Committee report.

What Officer Reports stated elsewhere on employment land allocations

- 9.222. In relation to the aforementioned planning application by Persimmon, which was determined in May 2022, the following was stated:

'The range of employment sites allocated in the Local Plan provide a variety of sites to provide choice and to meet a range of needs and uses of different types of employer. The Council's Employment Land Monitoring Report (May 2021) shows that 70.49 hectares of employment land was available in the borough for E(g) (formerly B1), B2 and B8 uses. This includes 66.01 hectares of Local Plan allocations remaining, of which 15.38 hectares has planning permission for employment use (out of a total of 88.74 hectares allocated in the Local Plan comprising 15 employment sites). In addition, 4.48 hectares of non-allocated land has planning permission for employment development.

It is estimated that from 2010 to 2021, 25.6 hectares of land, which was previously in use as employment premises, has been lost to other uses through demolition and change of use.

It is estimated that some 31.48 hectares of land within the Borough has been developed for employment purposes between April 2010 and March 2021. In the 2020/21 monitoring year 0.21 hectares was developed which represents a very slow take-up rate.

At Buckshaw Village there are three areas of employment land available (3.26ha at the Revolution, 2.3 hectares on Group 1 and 2.88ha on the Southern Commercial site). Within Chorley Town as a whole there remains 7 allocated sites available for employment use, amounting to 42.03ha (gross). This application would not leave any land available for employment uses at EP1.12. However, whilst there would be just two employment sites remaining at Buckshaw Village, land is also available in Chorley Town for B uses (41.38ha) for the remainder of the plan period.'

- 9.223. As such, shortly before the appeal proposal was determined by the Council, in the case of the Persimmon Homes site (which is also notably located within the wider Buckshaw Village Strategic Site and was specifically allocated for mixed use development in the Local Plan and was expected to deliver employment floorspace), the view was taken by the Council that more than sufficient land was available and no specific reference to employment sectors was highlighted. I highlight this because consistency in decision making is a material consideration.

- 9.224. Whilst I appreciate the BE Group Chorley Market Update August 2022 (**CD 6.6**) was made available to the Council after this decision was made that Update does not include any new factual evidence on the quantity of employment land required across the Borough compared to what was presented in the February 2022 Update (**CD 6.5**). Perhaps of greatest relevance, however, is that the Persimmon application was considered in the context of whether there was a sufficient supply of employment land over the remainder of the plan period and not in the context of what needs may occur up to 2038. This is an important distinction and it is my strong view that the appeal proposal needs to be considered in the context of whether there is sufficient employment land to meet needs now and up to the end of the plan period (and not some distant year in the future).
- 9.225. With regards to the aforementioned Redrow application, which was determined in October 2022, the following was stated at paragraphs 53 to 56:
- 53. The range of employment sites allocated in the Local Plan include a variety of sites with the aim of providing choice and to meet a range of needs and uses of different types of employer. At 1 April 2022, 71.79 hectares of employment land was available in the borough for employment uses. This includes 65.18ha of Local Plan allocations remaining (out of a total of 88.74ha allocated in the Local Plan comprising 15 employment sites), 15.14ha of which has planning permission for employment use. In addition, 6.61 hectares of non-allocated land has planning permission for employment development.**
- 54. A Central Lancashire Employment Land Study was prepared in 2017 by BE Group and updated in February 2022. The update identified a need of 76.34ha of employment land to 2038 in Chorley Borough, with a realistic supply of 56.28ha. This results in an undersupply of 20.06ha. The Study states that Chorley needs to protect its existing supply of employment land and identify another 20.06ha of new employment land to 2038 to meet the undersupply. It identifies that of the 20.06ha of employment land needed, there is an anticipated need of 7.62ha for office uses.**
- 55. In August 2022 a Chorley Market Update was prepared by BE Group, which provides an updated picture of need and demand for employment land and premises in the borough. It builds upon the Central Lancashire Employment Land Study 2022 and updates the research particularly in relation to the office market. The key findings of the Update are that demand for offices remains strong, with a limited amount of supply, and that there is strong demand for logistics and storage space.**
- 56. The proposed development would reduce the available employment land supply in the borough, and although it would appear that much of the land allocated for employment use has not been developed out to date, there is demand particularly in relation to logistics and storage.**
- 9.226. As such, shortly after the appeal proposal was determined by the Council, the view was then taken that there was a future requirement for additional employment land (notably beyond the current plan period and up to 2038) but the site could be released because the demand was more for logistics and storage space and the Redrow site was not suitably located for this type of employment. Even though there

was also a suggested future shortfall for offices as well, this did not appear to be a paramount issue.

- 9.227. The above analysis and conclusions reached by planning officers at the Council demonstrates a lack of consistency or true understanding of what the employment needs and demands within the Borough are over the adopted plan period. I regard this as a material consideration particularly given the rationale applied to justify the Council's refusal of the appeal proposal in the Planning Manager's committee report was focused on the need for additional office space, yet the Council now accept that re-using and refurbishing the existing office building would not be viable and office redevelopment proposals would not be viable. I have also already highlighted why the site is not suitable for larger logistics and storage sheds and based on BE Group's own findings there is sufficient land available for smaller industrial/light industrial and smaller B8 options elsewhere within the Borough.
- 9.228. I would also highlight that a lot of Chorley's historic employment land take up over the last 30 years has related to out of centre office locations that may no longer be suitable for office development under town centre first policies applied by the Framework and within the post Covid market. It has also been heavily biased by the release of a major previously developed site in the Green Belt (i.e. the Ordnance Survey site at Buckshaw Village) – an event/scenario that is unlikely to occur again in the area.
- 9.229. There are also various variables in BE's approach. For instance, if the 2.64 ha per annum figure is applied over 17 years (up to the proposed plan period), then there would be a need for 44.88 Ha. The 5 year buffer would then equate to 13.2 ha, resulting in a total suggested need of **58.08 ha** against a 'realistic supply' of 56.28 ha and therefore a smaller shortfall of just **1.8 ha**. However, if a 3 year buffer was applied, there would then be a small surplus of employment land based on this approach.
- 9.230. In short, there are almost endless derivatives of what the future employment land requirement could be and this can only really be thoroughly tested through the new emerging Local Plan process.
- 9.231. In the meantime, we are tasked with determining if there is sufficient employment land available within the remainder of the plan period to ensure that suitable opportunities for employment land development can come forward to meet more immediate needs. As demonstrated above, this is certainly the case.

(b) the provision and need for the proposed use

- 9.232. It is agreed between the parties that this criterion has been satisfied and that there is a need for market and affordable homes within the Borough and Buckshaw Village. I have addressed this in detail in **Section 8** of my evidence and can confirm that this requirement of Policy 10 is satisfied.
- 9.233. Within the General Statement of Common Ground (**CD 14.1**), at paragraphs 8.1 and 8.5, the Council agree that they cannot demonstrate a 5 year supply of housing and this currently sits at **3.3 years** and therefore **significant weight** should be applied to the appeal scheme in terms of its contribution towards the Council achieving this target. This position was also reflected in the officer's report at paragraph 70 (**CD 11.2**).

- 9.234. However, as previously explained in Section 8 of my evidence, I attach additional ‘substantial weight’ to the delivery of 13 affordable houses on the site. I do not repeat my previous evidence here but simply highlight below that the Employment Land SPD does state the following at paragraph 24–26 which supports the notion of applying additional and greater weight to proposals that provide above policy requirements for affordable housing (which this scheme achieves) and where there is evidence that a settlement is identified as having significant local affordable housing needs (which is the case in Buckshaw Village as demonstrated by the Arc4 assessment (**CD 7.2**) highlighted in Section 8 of my evidence.):

‘24. In order to demonstrate that a housing development is needed and can only be implemented on a site that was previously in employment use, applicants will need to present evidence in respect of planning policies for housing. This will include evidence of the supply of housing land against the requirement for new housing set out in the Core Strategy. Evidence of capacity on brownfield sites not previously in employment use will also be relevant.

25. Proposals that include a level of affordable housing above the normal policy requirement will be given additional weight as part of this SPD. Any additional weight will be proportionate to the level of provision secured over and above the current policy requirement, but will need to be carefully balanced against the loss of jobs/employment land.

26. Affordable housing proposals will be given greater weight in settlements that are identified as having significant local affordable housing needs. Proposals that include affordable housing should comply with the appropriate Council’s affordable housing policies and definitions.’

(c) the relative suitability of the site for employment and for the alternative use

- 9.235. The Council and the Appellant are not in agreement in relation to this matter.

- 9.236. The SPD states the following on this criterion:

27. This assessment should take into account the fact that there are considerable differences between different types of employment uses that the site could accommodate. Employment requirements cover a range of sizes and there is demand for small-medium scale developments. Although the current employment use may, at the time of application, cause amenity problems, this does not necessarily rule out the ability of the site or premises to accommodate a different type of employment use. Alternatives should be considered such as upgrading or redevelopment for different types or sizes of employment uses.

28. The assessment should also consider any external influences which might impact on the suitability of a site for employment uses. These may change over time so that the site could be suitable for development for some type of employment uses in the future and would therefore still be an important part of the employment land supply.

29. Where uses other than employment are proposed, mixed use schemes and live/work units (see criterion (d)) should be considered which could contribute to supporting the local economy. Similarly, the other policies and proposals within the Core Strategy should be taken into account and any other material considerations such as traffic generation.

What the Planning Managers Report stated:

- 9.237. The following is stated in the committee report at paragraph 37:

'37. The site has an existing employment use and forms part of the Euxton Lane corridor, which comprises a mixture of uses in this location including the nearby Runshaw College. The site is within 1 mile of the A49 and A6, local roads are wide and access is very good as are pedestrian and cycle access, whilst there is also good access to Buckshaw Village railway station. The site is bound by a major highway to the south and railway to the north, whilst there are commercial uses to the west and leisure uses to the east. As a result the site is well suited to employment use being divorced from residential settlements. As such the site provides a more logical and suitable location from employment than it does for residential use.'

What the Council stated in relation to other applications:

- 9.238. For the Persimmon Homes application (CD 9.3), the following was stated:

'The applicant has referred to paragraph 122 of the Framework which outlines the requirement for planning policies and decisions to reflect changes in the demand for land. This states that, 'They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan.' Whilst the site is currently allocated for a mix of both employment and residential uses, the demand for commercial premises has significantly decreased, especially given the recent global pandemic of Coronavirus and the subsequent effects on the economy. The suitability of the site for housing is demonstrated to be acceptable throughout the later sections of this report.'

My conclusions on Criterion C

- 9.239. Based on the above, there would appear to be a number of ways to consider this criterion. In relation to the appeal site, the commentary is around the site's location, accessibility and relationship to existing housing, which is more aligned with the Council's second reason for refusal which I address in the following Section. For the Persimmon Homes scheme, paragraph 122 of the Framework was deemed to be a key factor. Within the SPD, the considerations are geared towards the assessment of other alternative forms of employment use that could theoretically be located on the site.
- 9.240. I have already set out my position against the NPPF and paragraph 123 and do not intend to repeat my position but it is worth re-iterating that it does not require the consideration of whether the site is suitable for other forms of employment development. It simply asks one to consider if the redevelopment option would undermine a key employment site or sector, which I have addressed above.

- 9.241. Paragraph 122 of the NPPF was relevant for the Persimmon Homes application because that site is allocated for employment use as noted above a consideration of 'no reasonable prospect' is referred to, which is clearly a higher bar. In the case of the persimmon homes site, the allocation under Policy EP1 confirms the suitable employment uses would be former B1 use class and industrial (B2 Use class). Notwithstanding this, the Council did not request these alternative uses to be tested, perhaps because of the mixed use allocation applied to that site but also because of the reported changes and down turn in the employment market. I highlight this again, simply to demonstrate the level of inconsistency in the Council's approach, which I consider is a material consideration.
- 9.242. Notwithstanding this, I consider alternative commercial / employment uses below on the basis that Council's case now appears to be more focused on the potential scope for the site to accommodate other forms of employment development in the future as set out in the Council's Statement of Case (**CD 13.3 at paragraphs 5.5 and 5.6**).

Continued use of the Building for Offices

- 9.243. The continued use of the building for office use reflects the lawful use of the site and therefore this can be regarded as being suitable. However, the Council accept that the refurbishment and re-occupation of the office building is unviable. There would also be serious challenges associated with re-letting the existing building given the Energy Performance Rating of G. I deal with this matter in more detail under the marketing criterion g.

Relative suitability for continued Office Use Class E(g)(i) (redevelopment options)

- 9.244. I conclude that the site would not be suitable for an office redevelopment proposal on the basis that it would fail the sequential test applied by **Policy 11** of the Core Strategy, **Policy EP9** of the Local Plan and **paragraphs 88 and 91** of the NPPF.
- 9.245. This is on the basis that the site is located more than 300 meters from a defined town centre boundary and more than 500 metres from the Buckshaw Village Train Station. It is therefore classed as an out of centre location for office development based on the definition of an edge of centre site provided in the glossary (Annex 2) of the NPPF.
- 9.246. The sequential test would be failed because of the availability of allocated employment sites within the Local Plan that identified specifically for office development at the Southern Commercial site (Site EP1.13) where there is a vacant and unoccupied office building and land available for future office development in an edge of centre location sat directly between the defined Buckshaw Village District Centre boundary and the train station.
- 9.247. Office development on the appeal site could therefore undermine the vitality and viability of the District Centre (noting that there are plans to develop office use directly next to it (which would create footfall for the District Centre), which would directly conflict with paragraph 123 of the NPPF.

Consideration of the relative suitability of other employment uses

Other commercial uses permitted under Use Class E (conversion options)

- 9.248. With regard to alternative forms of employment development, the existing building could be converted to certain forms of commercial use such as retail without planning permission under permitted development rights afforded to Class E. However, given the size, format and physical state of the building and existing car parks, it is highly unlikely to prove desirable or viable to household known retailers.
- 9.249. Ignoring the Energy Certificate Rating issue for now, it could be the case that an independent retailer specialising in world foods or furniture could take it on and carry out the bare essential repairs and upgrades to the building. This, however, would generate a retail impact on nearby designated centres and would therefore be an undesirable use. As such, I do not regard retail use to be more suitable or sustainable than residential use on the site, albeit it could remain a possibility on the basis that planning permission would not be required.
- 9.250. At **6,254 sqm** in GIA floorspace, the existing building does not lend itself to other types of E class businesses such as gyms, doctors, creche, etc that would all typically take on much smaller plates and many uses would also be more appropriately focused towards the town centres.
- 9.251. Light industrial use within the existing building would also prove to be undeliverable given the format of the building and the low ceiling heights within it. Indeed, it was not designed for this purpose in its existing or former form. Stripping out the first floor to create sufficient height for machinery would be impractical and unviable.
- 9.252. Research and development use was a use previously applied to the building because this was how BAE last used the building before vacating the site, but the investment required and rental rates returned would be similar to an office refurbishment and that option is also therefore deemed to be unviable as demonstrated by Mr Aherne's evidence (**CD 15.2**).

Relative suitability for other employment uses (Class E / B2 / B8) redevelopment options

- 9.253. A proposal involving the site's redevelopment for retail or leisure would also be subject to the sequential and impact tests set out in **Policy 11** of the Core Strategy and **Policy EP9** of the Local Plan on the basis that the site is out of centre. I note that there is a land parcel available within the defined Buckshaw Village District Centre that is located to the immediate west of the Tesco supermarket. Whilst allocated for residential development, the fact that it is within the District Centre boundary suggests that retail development (particularly ground floor units) would be deemed suitable in this location. The same position applies to other main town centre uses noted within Class E such as gyms.
- 9.254. I do not consider the site would be suitable for larger scale B8 warehouses of logistics due to the constraints on the site and the current setting along this part of Euxton Lane. All of the existing employment buildings on Xton Business Park and Runshaw College are set back from Euxton Lane by a 50 meters with some landscaping incorporated within this gap. This was clearly part of the original design and layout concept for the former BAE operation on the site with these buildings forming part of

the entrance into the main body of the former, large munitions site. A large warehouse that maximised the footprint of the site would not be in keeping with this setting and would also not be deliverable because it is not possible to move or divert the two culverts that run close to the rear and front elevations of the existing building (see Appendices contained in Mr Aherne's evidence – **CD 15.2.1**). The required height of these buildings, which are evident from the logistics units located to the north of the railway line, are also +15 metres, which would be significantly taller than the neighbouring Blink Photo premises which is very low two storey office/commercial building. This could also have a negative impact on the setting of the Grade II Listed Building. This further reinforces my view that the site would not be suitable for larger logistics warehouses which also now primarily seek premises closer to the strategic highway network (such as Cureden the Botany Bay and Great Knowley sub-regional employment site)

- 9.255. Mr Aherne has assessed a mid sized unit B2/B8 scheme that could by physically accommodated within the constraints I have noted above, which would deliver two units totalling approximately 10,000 sq m (see **CD 15.2.1**). However, this option is also demonstrated to be unviable. high to meet commercial and operational requirements would also be considerably taller than the existing employment buildings located on the southern side of the railway
- 9.256. Redevelopment proposals for smaller Light Industry (E(g)(ii)), Research and Development, (E(g)(iii) and General Industry (B2), and smaller B8 trade counter type uses would represent a policy compliant use on the site, subject to more detailed policy considerations on design, highway impact, etc, which for the sake of this evidence I consider could be addressed. However, that in itself does not provide sufficient justification to preserve the site for this type of employment use in perpetuity. Indeed, the NPPF is clear at paragraph 123 in that were identified development needs can be met on developed site that are not allocated for a specific need, a positive approach should be applied to the decision making process. As I have highlighted above, there is also a significant amount of employment land available within the Borough for this type of development. Moreover, Mr Aherne's evidence also demonstrates that the site's redevelopment for this form of development would not be viable and it is noted that the neighbouring business (Blink Photo) would not be supportive of this type of development due to the impacts on their business (see response to the public consultation the Appellant undertook in **CD 10.15**).
- 9.257. Policy 10 itself also calls for an assessment of relative suitability under this criterion. The fact that the wider Buckshaw Village site is a mixed use designation for employment and residential use, indicates that the site is equally suitable for both employment and residential development in the context of Policy 4 of the Core Strategy and the spatial strategy for the area. When coupled with the fact that the Council cannot demonstrate a 5 year supply of housing and an acute demand for affordable housing is demonstrated locally, I consider that the relative suitability for the site for housing is more clearly justified.
- 9.258. In terms of formally assessing the site's ongoing suitability for employment use, I have already highlighted that there is no up to date evidence provided by the Council's consultants BE Group as part of the various employment land assessments that have been carried out to inform the emerging Core Strategy. I have also considered how the site would score against the BE Group's Site Scoring Matrix set out at Appendix 6 of

the 2022 Assessment and concluded that the site would score poorly (it would be the 2nd worst scoring site).

- 9.259. Ultimately, I note that the Council's principal argument in regard to this criterion, as set out in the Committee report, relates to the site's context and how it relates to surrounding uses and its accessibility as an employment site. I address the surrounding land uses point in more detail under criterion d and the accessibility point in the following section of my evidence which addresses the Council's second reason for refusal.
- 9.260. Whilst I accept that certain forms of employment development would not represent an unsuitable use for the site (i.e. light industrial and small scale warehousing), I do not accept that the appeal site would represent a comparatively better employment redevelopment site when compared to the opportunity to deliver a brownfield residential redevelopment.
- 9.261. Whilst employment redevelopment of the site would be read in the context of other surrounding employment uses to the west and north of the site (and would therefore be appropriate), residential development on the site would also be read in the context of being located towards the edge to the existing settlement boundary beyond which is the Green Belt and the various recreational facilities within it. This equally represents a perfectly common and logical transition of land uses, particularly when read in context of how the wider Buckshaw Village has been developed with employment and residential development sitting side by side in a number of locations nearby.
- 9.262. Indeed, once developed and if one was travelling to Buckshaw Village from the east along Euxton Lane from Chorley and the A6, you would witness the Strawberry Fields development where there is evidence of residential development being developed side by side with employment uses, they would then be presented with open land within the Green Belt and various forms of recreational playing fields, followed by the residential development on the appal site and then the retained commercial development focused in and around the train station. Such a transition of land uses is common for this area and most settlements in general. In the context of the site's setting and location and for that reason, I see the relative suitability of the site for certain forms of employment and residential to be equal.

(d) the location of the site and its relationship to other uses

- 9.263. As noted at paragraph 9.7 of the SOCG, it is not a matter of agreement between the two parties that the appeal site is a suitable location for housing in respect of its relationship to other uses.

What the SPD States?

- 9.264. The SPD states the following in relation to criterion d):

"Where consideration is being given to alternative uses of employment land or premises, any such proposals must demonstrate that the alternative use would be better suited to the location of the site and its relationship to other uses than employment use. It must also ensure that the proposed use does not conflict

with the character of the surrounding area and other policies and proposals within the Core Strategy, or any other material considerations.

- 9.265. Paragraph 30 relates to highway impacts generated from existing employment allocations and makes specific reference to the use of minor/narrow/residential roads, which is not applicable to this case.
- 9.266. Paragraph 31 also relates to smaller, isolated employment site, such as in rural locations which again is not applicable in this case.
- 9.267. The consideration of the appeal proposal in the context of its surrounding is clearly a valid planning consideration and I do go on to address this below. However, it is clear from the first sentence in the SPD that the intention of this criterion is to determine if continued employment use of the site is better suited compared to the appeal proposal itself. Applying this comparative form of assessment and the requirement to demonstrate that residential use would be better suited to the site compared to employment use is not consistent with paragraph 123 of the NPPF. As previously stated, paragraph 123 applies a positive approach towards determining development proposals for alternative uses on unallocated, previously developed sites unless it would undermine a key employment site or sector. I have already addressed this above. Critically, paragraph 123 of the NPPF does not require developers to consider or fabricate alternative forms of development for the site that they are applying planning permission, particularly in instances where the land is not already allocated for a particular use. As such, the primary consideration should be whether the appeal site is suitably located to accommodate housing in the context of the surrounding uses and services.

What the Officer's Report states for the Appeal Proposal

- 9.268. Helpfully, the Council accepted that residential development could exist as per the plans forming part of the appeal proposal without generating any particular amenity issues and recognise that the relationship of housing adjacent to employment uses is not uncommon. This is agreed at paragraph 8.7 of the General SOCG (CD 14.1)
- 9.269. Paragraph 38 of committee report (CD 11.2) also states the following:

'The site is in use for offices and has a low impact relative to the surrounding uses and does not present any harmful effects. It is noted that there are no residential developments bounding the site with a railway to the north, highway to the south, football training ground to the east and offices to the west. A residential development could exist alongside these surrounding uses and would not be at risk of any particular amenity issues that would be uncommon to a residential development. However, there would be a lack of integration with established communities and supporting amenities.'
- 9.270. The final sentence in the Planning Manager's paragraph copied above and reference to supporting amenities is more applicable to the Council's second reason for refusal rather than a matter associated with the loss of the employment use. As such, I go on to address these points in the following Section addressing Reason for refusal 2 so as to avoid repetition.

- 9.271. Turning to the SPD's reference to 'ensuring that the proposed use does not conflict with the character of the surround area', my firm view is that it would not. Whilst there would clearly be a change in use and built form, it does not conflict with the wider character of the area. Indeed, it is common ground that the surrounding area is of a rather mixed character in respect of land uses. With that in mind, residential development will be in keeping with the mixed-use character already in existence in this locality.
- 9.272. Furthermore, it is important to highlight that there are a number of examples in the immediate vicinity of the site where residential and employment land uses sit side by side. It is therefore not unusual for residential and employment land uses to exist side by side and is entirely acceptable in respect of character. These examples are illustrated at **Appendix 5** of my evidence, which shows a number of locations elsewhere within the Buckshaw Village where residential and employment land uses are successfully integrated and located in close proximity. This of course is unsurprising given the mixed-use designation of the Buckshaw Village within the adopted development plan. The appeal proposals would replicate the precedent already set within Buckshaw Village and would therefore be in keeping with existing character.
- 9.273. I would argue this point also goes to the very heart of the balanced land-use approach that the NPPF seeks to advocate (which as noted previously is not reflected in Policy 10 given the timescales of its adoption). NPPF paragraphs 122 and 123 are clear that alternative land uses should come forward in areas of high housing demand, provided it would not undermine key economic sectors. The result of this is that many former employment sites come forward for alternative uses for residential. In essence, a balanced and pragmatic approach must therefore be adopted in this context. Chorley must address their significant five-year housing land supply shortfall. This is also in the context of a Borough heavily constrained by Green Belt and an emerging Local Plan which is somewhat off adoption.
- 9.274. In conclusion, the appeal proposals comply with criterion d and residential development will be well integrated and connected to existing local communities and amenities.

(e) whether the ability to accommodate smaller scale requirements would be compromised

- 9.275. The Council have confirmed through their Statement of Case (**CD 13.3**) and within the Employment Land and Viability SOCG (**CD 14.2**) that the proposals do not conflict with criterion e). As such, I do not go into significant detail on this matter.

What the SPD States?

- 9.276. The following is stated under criterion e:

39. Employment requirements cover a range of sizes and demand is often for small – medium scale development. Therefore, in considering the qualitative impact on the supply of employment, the realistic potential of premises/ sites to accommodate the small – medium component of employment development will be assessed when considering proposals for their release to other uses.

40. The Councils will require a robust supporting statement to show that the loss of the site in question would not compromise the supply of land to accommodate smaller scale employment requirements before the employment land or premises can be considered for an alternative use. Appendix 1 sets out the requirements of a marketing strategy.

What the Officer Report states for the Appeal Proposals

- 9.277. Paragraph 39 of the report states the following:

"The site forms part of a corridor of employment uses along Euxton Lane and its existing use for employment is considered to fit well with this corridor."

- 9.278. This is clearly an analysis of the site's location rather than any form of assessment to determine if the site could or should accommodate smaller scale forms of employment floorspace.

What Officer Reports stated in relation to other applications

- 9.279. For the approved Redrow and Persimmon schemes previously mentioned, the following is stated in relation to criterion e:

Paragraph 61. As noted earlier within this report, there are other available allocated sites for employment development in the borough.

- 9.280. This indicates that the Council were not concerned about the supply of smaller scale employment units in determining these applications around the same time that the appeal scheme was considered.

My conclusion on criterion e)

- 9.281. Ultimately, it could be argued that any site could physically accommodate a smaller form of development than what currently exists. The key consideration in relation to Criterion c is whether the redevelopment of the site for housing would compromise the ability to provide smaller scale development within the Borough.

- 9.282. I have already outlined at length under criterion a) how the same conclusion reached for the Persimmon and Redrow decisions, as replicated above, should have been applied, and continue to apply, to these appeal proposals. Indeed, there are other employment premises within Chorley and within the vicinity of the appeal site within and near to Buckshaw Village that are available for a range of employment uses and provide the ability to develop smaller scale employment uses elsewhere within the Borough. As such, I do not consider the redevelopment of the site for housing would result in an undue loss of employment floorspace or the opportunity to create smaller units within the Borough.

- 9.283. As part of my assessment of Criterion d, I have also concluded that office development including the creation of smaller office units would fail the sequential test applied to this use through policies within the adopted development plan and national planning policy.

- 9.284. In terms of the ability to create smaller employment opportunities on the site, this would require considerable investment in either a refurbishment scheme of the office

building or a complete redevelopment of the site. Mr Aherne addresses this in his evidence (**CD 15.2**) and assesses 5 alternative schemes with a range of employment unit sizes on them. He demonstrates that these options would not be viable.

- 9.285. Even if the alternative employment schemes were viable, it is critical to point out that paragraph 123 of the NPPF does not require an assessment of alternative forms of employment use and simply requires confirmation that the redevelopment proposals would not undermine a key site or sector, which I have addressed at length already, and I therefore conclude that criterion e of Policy 10 is inconsistent with the NPPF in any event and should therefore be afforded very limited weight.

(f) there would be a net improvement in amenity

- 9.286. It is common ground that there would be a net improvement in amenity as a result of the appeal proposals, due to the provision of Public Open Space, a Local Equipped Area of Play and bringing the vacant site back into viable re-use as set out at paragraph 8.11 of the General SOCG (**CD 14.1**).
- 9.287. At paragraph 5.2 of the Council's Statement of Case (**CD 13.1**) it is also highlighted that evidence will not be presented to demonstrate any conflict with criterion f).
- 9.288. I also add the following points:
- The residential homes would provide a greater level of neighbourhood surveillance and community watch in the area which is likely to benefit the neighbouring uses such as the sports ground, which I address in greater detail in Section 10 of my evidence.
 - The development proposals will also deliver highway improvements in respect of bus stop upgrades. The residential development will also generate less traffic than the current office land use as highlighted in Mr Wooliscroft's evidence (**CD 15.3**) and the supporting Transport Assessment (**CD 10.18**). Both of these factors combined will result in an improvement in amenity in respect of traffic impact/flows.
- 9.289. It can therefore be demonstrated that the appeal proposal accords with **criterion (f)**

(g) convincing evidence of lack of demand through a rigorous and active 12 months marketing exercise for employment re-use and/or employment redevelopment

- 9.290. This is a matter of dispute between the two parties and is a matter that is principally addressed in Mr Aherne's proof of evidence. (**CD 15.2**). However, I do have additional comments I wish to make in relation to the expectations of this requirement in the context how the Council have applied this consideration elsewhere.

What the Officer Report states for the appeal proposals

- 9.291. The Planning Managers Committee Report (**CD 11.2**) states the following at paragraph 41 to 43:

41. The applicant has not provided evidence of marketing for a 12 month period, stating that Policy 10 is out of date because it was influenced by NW RSS and that there is inconsistency between the National Planning Policy Framework (the Framework) and the adopted plan as the Framework has a greater flexibility.

42. The Central Lancashire Employment Land Study Update 2022 sought stakeholder views, who identified the Euxton Lane corridor as a focus of demand for both office and industrial uses.

43. The applicant has provided a review of demand for office space in the locality, suggesting that such demand is low given nearby unoccupied office space. The applicant provides an assessment of the existing building, which finds it does not meet modern requirements and cannot be viably refurbished, which they consider would hinder its continued use as offices.

- 9.292. At paragraph 183 it is then concluded that:

'The site is located within the Buckshaw Village Strategic Development area where the Core Strategy seeks to direct development, and the development would contribute to an undersupply of housing and affordable housing in the borough. However, there is conflict with policy 10 given that the proposal has failed to identify whether or not there is a lack of demand for the site for employment uses, whilst there is a constrained supply of office and employment land in the borough and the site is not well suited to residential development.'

- 9.293. This indicates that the site's location within the Buckshaw Village strategic site and the lack of a marketing exercise (to demonstrate there was a lack of demand) was now a key consideration for the Council.

What Officer Reports stated in relation to other applications

- 9.294. The above approach and analysis is completely contrary to how the Council considered this criterion for the approved Redrow and Persimmon schemes. Indeed, both committee reports merely acknowledge that neither site had been marketed for employment re-use or redevelopment (and notably no understanding of viability was even raised).
- 9.295. Bearing in mind the Persimmon Site is also located within the strategic Buckshaw Village designation and is specifically allocated for employment use within the adopted Local Plan, demonstrated that this was not an overriding criterion that the Council expected to be undertaken on every occasion and failure to comply with this criterion was clearly not determinative in these cases. One would expect a consistent approach to be applied or at the very least a more stringent approach to be applied to the Council's employment allocations given the greater level of testing and compliance required to address paragraph 122 of the NPPF that relates to allocated employment site compared to the approach applied to non-allocated sites.

My Evidence on Criterion G

- 9.296. First and foremost, it is pertinent to highlight that the Council never actually asked for any marketing evidence to be provided during the course of the application being determined. Indeed, during the application process we had submitted Counsel advice

from David Manley QC to the Council, which highlighted why Policy 10 was out of date and that national planning policy did not seek marketing assessments to be provided (see **CD 12.1**). The Council sought their own legal advice in relation to the relevance and application of Policy 10 and through correspondence with the Case Officer, it was confirmed that their legal advice corroborated that of the Appellant's and accepted that Policy 10 was out of date and that the application was being written up for approval (see **CD 12.26**). That was until the final day before the committee report had to be published and the Planning Manager reversed the case officer's conclusions. On that basis, no evidence on this matter was deemed necessary or sought from the Appellant.

9.297. However, I am now in a position where I can provide evidence/a statement from the landowners Bluemantle as to what marketing evidence in relation to the site was gathered in the past and why a new and more recent open marketing exercise was not carried out in advance of the Bellway planning application being made at **Appendix 15**. In summary:

- Bluemantle own, actively manage, refurbish and redevelop various employment sites and retention of these assets for rental income is a core part of their business model, where it is viable to do so.
- Bluemantle acquired the DXC site in 2003 and the building had been refurbished and fitted out for the existing occupant
- They explored selling the freehold of the building in 2014 and marketed the site through CBRE from October 2014 for circa 6 months (see marketing particulars at **Appendix 23**) but received no offers for it at the time. At the time the buildings was pre-let rather than vacant but feedback received still highlighted significant risks around the lease expiry, reletting the empty property and redevelopment options due to the competing commercial sites within the area viability concerns associated with redevelopment options. I note this was at a time pre-Covid when the economy was relatively strong and growth stood at 2.5-2.8%.
- DXC stopped using the site during the pandemic and informed Bluemantle that they were terminating their lease in early 2021.
- CBRE and Lamb & Swift were appointed to advise on redevelopment options and undertake soft market testing in mid 2021.
- Refurbishment and reletting options were ruled out as being unviable due to low market rents.
- Employment redevelopment options were also explored but ruled out due to changing working patterns and the impact on the need for office space and industrial development was precluded due to the relatively small scale of the site, the inability to accommodate larger employment buildings and the rising and high costs associated with delivering smaller scale schemes.

9.298. Given the office building has an energy rating of G (as demonstrated by the certificate at **Appendix 24** of my evidence), marketing a building of this size and nature would have also been fruitless. Indeed, based on government legislation that came into force

on 1st April 2016, and subsequent guidance (see **Appendix 25**), the landlord is unable to re-let the existing offices with this level of performance.

- 9.299. A minimum rating of E is required unless specific exemptions are formally applied for. No registered exemptions exist for the building. The costs required to make the building compliant would be prohibitive and unviable. Whilst viability issues could potentially justify an exemption from the regulations, the ability to successfully market and let an office building of this size and nature to a business that was not conscious of ongoing energy and running costs and/or its carbon footprint in this day and age would be a significant, uphill challenge. Indeed, the Council accepts in the General SOCG (**CD 14.1**) at **paragraph 8.14** that reletting and refurbishing the existing building for continued office use would be unviable.
- 9.300. I would also add that at the point when Bluemantle were informed that the tenant wished to break their lease in early 2021, England had just gone into its third national lockdown associated with the Alpha variant of the virus. A House of Commons Library report containing the Covid restrictions at the time is contained at **Appendix 26**.
- 9.301. In short, the Prime Minister announced the third national lockdown on the 4th January 2021. This was much like the first which continued in full through to the 8th March 2021. People were once again told to stay at home. Support bubbles were allowed along with a few exempt gatherings such as religious services but the message (and legal position) was very much 'Stay at Home, Protect the NHS, Save Lives' and it was an offence to be outside of your home without a reasonable excuse. Whilst this could include activities for work, all businesses had to apply their own risk assessments and from my own experience of employing over 400 staff at Pegasus Group, our own message was very much stay at home and be safe. From the 8th March, England entered in the Government's roadmap / stepped approach towards getting out of lockdown and it wasn't until the 18th July 2021 that restrictions were lifted in full.
- 9.302. Undertaking a 12 month marketing exercise during 2021 (noting the application was submitted in December 2021) would have therefore been fraught with difficulties due to Covid restrictions and would have most likely been dismissed by the Council in any event because of these restrictions and difficulties. Moreover, such an exercise would have been fruitless because it is evident through Mr Aherne's evidence (**CD 15.2**) that such development would not be viable anyway, with all redevelopment options tested for employment use generating a negative return.
- 9.303. As such, whilst I accept that a full 12 month marketing exercise has not been carried out to support the planning application or appeal proposal, there has at least been some level of marketing over the years and during the period in which the current landowners have been responsible for the site.

My conclusions on criterion g)

- 9.304. Overall, it is clear from the Council's other decisions that a marketing exercise is not required for residential development to be deemed acceptable and I conclude that no marketing exercise is required on the appeal site for the following reasons:
- It is accepted that Policy 10 is out of date within the General SOCG (**CD 14.1**) at paragraph 8.3. and with regard to this criteria, it is important to note that

requirement to demonstrate 'no demand' is not consistent with paragraph 123 of the NPPF.

- The Landowner is an experienced developer whose business model is to retain their employment land portfolio where possible (see **Appendix 15** for full details). They regularly refurbish and redevelop their existing stock for employment purposes when there is a market demand for this and did undertake a marketing exercise in 2014 when the economy was much stronger.
- When the landowner was made aware of the tenant relinquishing its lease, the UK was in its 3rd lockdown period and restrictions were in place for a prolonged period after that (see **Appendix 26**) which would have made any genuine marketing exercise very difficult).
- The site is not formally allocated for employment purposes, therefore is not specifically relied upon to meet the Council's employment land needs. In this context, the requirement for a marketing exercise is questionable. The site does not warrant specific employment protection.
- There is no policy requirement in the NPPF to maintain a 5 year/immediate supply of employment land. There is for residential development. The appeal proposals must be considered within this context and the overall planning balance. In any event, my analysis of employment land supply categorically concludes that residential development on this site would not result in an unacceptable loss of employment land.
- Market demand is low in this area, evidenced by the number of vacant office units in the immediate vicinity of the site and as discussed in further detail by Mr Andrew Aherne in his proof of evidence (**CD 15. 2**).
- The energy rating of the building is extremely poor (EPC Rating G). It is so poor, the building cannot be marketed or tenanted to new occupiers without getting an exemption.

9.305. My view is that whilst the appeal proposal does conflict with this criterion due to the absence of an up to date marketing exercise, limited weight should be afforded to this. It is a view clearly also shared by the LPA on other sites they have recently approved (on designated mixed-use employment sites that do warrant a higher level of scrutiny under paragraph 122 of the NPPF).

H) an assessment of the viability of employment development including employment re-use and employment redevelopment

- 9.306. Mr Aherne's evidence (**CD 15.2**) deals with viability and is the Appellant's principal witness in this regard. However, I do have a number of comments on the relevance of this criterion.
- 9.307. First and foremost, a viability assessment is not a requirement of paragraph 123 of the NPPF, which applies a positive approach to the consideration of re-using and redeveloping previously developed sites for housing where this would meet an

identified need. I also note that no such assessments have been requested in relation to other applications within the Borough relating to allocated employment sites within the Borough.

- 9.308. Paragraph 46 of the committee report (**CD 11.2**) states the Council has not been able to verify the validity of the claims outlined in the submitted Viability Assessment. I would suggest that the Council simply did not consider the report submitted at the time. Indeed, at no point during the application process did the Council seek additional information or clarification on the viability assessment provided or request that alternative forms of assessment were undertaken.
- 9.309. Neither the Redrow or Persimmon applications submitted viability assessments on their respective mixed-use employment sites, which once again demonstrate that this was not a determinative criterion for the Council in these cases. Again, I have to flag this up as a lack of consistency in the decision-making process which is a material consideration.
- 9.310. Since the Council's decision of the application, it has also since been agreed that the viability report submitted with the application has demonstrated that office re-use and office redevelopment are not viable on the appeal site. This stems from the poor quality of the existing office building, the costs associated with bringing it up to a suitable standard, the scale of the existing building being entirely inconsistent with what the market now seeks and very poor rental rates for offices in this location.
- 9.311. However, the Council now consider the appeal proposal conflicts with Policy 10 on the basis that other forms of employment development could be delivered as set out in the Council's Statement of Case (**CD 13.3**). I note that this is a new position, with the committee report solely focusing on the demand and need for office development within the Borough (see **CD 11.2**).
- 9.312. Since the appeal has been lodged, we have sought to further engage with the Council on viability matters but there has been limited positive response to agree a position on certain key variables other than agree that the following broad range of employment proposals represents a suitable spread of development options to test (see **paragraph 3.23** in the Employment Land and Viability Statement of Common Ground **CD 14.2**). Layout plans and the viability evidence for all of the above are set out in Mr Aherne's evidence and I note the following conclusions in relation to each option considered:
- 1. A new build business/office park** – comprising of 17 smaller office blocks across the site accommodating circa 500–550 sq m over two floors and one larger office block of circa 2,300 sq m providing a total floor area of circa 9,200 sq m. The conclusions are that this form of development on the appeal site would generate a loss of **-£17.7m**
 - 2. Refurbishment of the existing building for offices** – comprising of a full refurbishment of the existing office building which comprises of circa 4,000 sq m of office space. The conclusions are that this form of development on the appeal site would generate a loss of **-£4.4m**

3. A new build trade style industrial scheme providing a range of units from 8,000 sq ft to 20,000 sq ft – comprising of 6 employment blocks ranging from circa 750 sq m to 2,000 sq m providing a total floor area of 8,800 sq m. The conclusions are that this form of development on the appeal site would generate a loss of **-£1.6m**

4. A new build industrial scheme similar to Strawberry Meadows – comprising of 6 employment blocks but with each including a large range of smaller unit sizes ranging from circa 45 sq m to circa 2,000 sq m and various sizes in between across a total floor area of circa 6,500 sq m. The conclusions are that this form of development on the appeal site would generate a loss of **-£1.6m**

5. A new build mid-box Industrial Scheme – comprising of two larger warehouse/industrial units (the largest that can be physically accommodated on the site), with one being 2,651 sq m (28,535 sq ft) and the largest being 6,907 sq m (74,346 sq m) and both including ancillary internal office space within those figures. The conclusions are that this form of development on the appeal site would generate a loss of **-£2.1m**

- 9.313. In short, redevelopment options on this site are highly constrained by a combination of constraints on the site, rising construction cost rising borrowing cost, and insufficient rental returns for an employment scheme that is achievable on a site of this scale.
- 9.314. Paragraph 58 of the NPPF confirms viability is a material consideration and the weight to be given to viability is up to the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date. I will not repeat my position on the adopted Local Plan other than state that it is agreed that it is not up to date and no counter viability evidence has been provided by the Council in determining the planning application.
- 9.315. The fact that Mr Aherne's evidence (**CD 15.2 and 15.2.1**) demonstrates a loss on each scheme tested, and does not get close to a 15–20% profit value as recommended by the NPPG²⁸ under any option, clearly demonstrates that a rigid protection of the site for continued employment use will not deliver any employment benefits in the short or mid-term, at a time where there is clear evidence of a pressing and acute housing need within Chorley. I consider this is a significant consideration under the context of paragraph 123 of the NPPF.
- 9.316. This outcome should come as no surprise to the Council on the basis that their own recent development at Euxton Lane at the Digital Hub and Strawberry Fields/Meadows (Employment site allocation EP1.5), which I note was on Council owned land, comprised of a mixed use development with land receipts received from supporting residential development, and significant levels of public sector funding including a **£4.1 million** ERDF grant from the European Union to deliver the Digital Hub and a further **£2.25 million** grant from the Lancashire LEP for the smaller industrial scheme and other bodies that contributed **£25,000**. Further information on this is presented in Mr

²⁸ NPPG paragraph 18 ID 10-018-20190509 in relation to plan making considerations.

Aherne's evidence and **Appendix 27** of my evidence in the form of officer reports for the site and various online press articles²⁹.

9.317. Whilst I note that similar levels of grant funding secured for the Strawberry Fields/Meadows and Digital Hub development could well make a difference to the appeal site, the grants Chorley Council are currently promoting are a fraction of what was secured previously. Under the 'Chorley Business for Growth (BIG) Grants' a maximum of £10,000 for the refurbishment and construction of new employment buildings and any associated plant equipment can be applied for³⁰; Under the 'Choose Chorley Relocation Grant' which is applicable to business that are currently located outside of Chorley and wish to relocate, the maximum is £25,000³¹. Even if additional grant funding was achievable, I have to re-affirm the position that paragraph 123 of the NPPF does not require such high levels of scrutiny to take place before excepting residential development on brownfield sites. Indeed, the very purpose of the 2018/19 version of the NPPF in relation to making effective use of land was to support the delivery of more homes to address the national housing crisis.

Conclusion on Reason for Refusal 1

9.318. To conclude on Reason for Refusal 1, I have demonstrated that:

- Policy 10 is out of date and is inconsistent with the NPPF for a host of reasons. It should therefore be accorded limited weight.
- The proposal is compliant with paragraph 123 of the NPPF, which sets out the relevant test for this proposal. The site is not a "key employment site" and a "key employment sector" would not be harmed as a result of the appeal proposals.
- In any event, I conclude that there is compliance with policy 10, save for the fact that there has been no marketing exercise contrary to one of the criterion.
- However, the requirement for a marketing exercise is inconsistent with the positive approach required by paragraph 123 of the NPPF.
- Consistent with this, a marketing exercise has not been required by the LPA in other cases, even where loss of an employment allocation was proposed.
- Finally, there are site specific considerations that apply here, including that the obsolete nature of the building and Covid restrictions meant that marketing of the premises was not feasible in the relevant period; that the Council now accept that it would not be viable to refurbish the existing building for its existing (office) use in any event (notwithstanding the emphasis on the

²⁹ <https://www.continuum-dm.com/portfolio/alker-lane-development>

<https://chorley.gov.uk/strawberrymeadows>

<https://www.boostbusinesslancashire.co.uk/news/chorley-set-to-become-digital-hub/>

³⁰ <https://chorley.gov.uk/article/1883/Chorley-Business-Investment-for-Growth-guidance>

³¹ <https://chorley.gov.uk/article/1882/Choose-Chorley-relocation-grant-guidelines>



benefits of office use in the Officer's Report); and that the Appellant has demonstrated that other employment uses would be unsuitable or would not be viable on the site.

- On that basis, very limited weight should therefore be attributed to any limited conflict with Policy 10 of the Core Strategy.

10. Reason 2: Accessibility and Place Making

- 10.1. The Council's second reason for refusal states:

'The application site is proposed in isolation from residential development patterns and associated amenities resulting in an unsustainable form of development. It would fail to provide connectivity with supporting amenities, which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore, secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012 and the National Planning Policy Framework.'

- 10.2. Before I address the Council's reason for refusal in more detail, I touch upon the relevance of Policy 17 and the weight to be attached to it.

Consistency of Policy 17 with the Framework

- 10.3. Policy 17 (Design of New Buildings) states:

'The design of new buildings will be expected to take account of the character and appearance of the local area, including the following:

- (a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.*
- (b) safeguarding and enhancing the built and historic environment.*
- (c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.*
- (d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.*
- (e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.*
- (f) minimising opportunity for crime, and maximising natural surveillance.*
- (g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, and enhancing the public realm.*
- (h) including public art in appropriate circumstances.*
- (i) demonstrating, through the Design and Access Statement, the appropriateness of the proposal.*
- (j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.*

(k) promoting designs that will be adaptable to climate change, and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and

(l) achieving Building for Life rating of 'Silver' or 'Gold' for new residential developments.

(m) ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.'

10.4. It is agreed that Policy 17 is out of date (see paragraph 8.3 of the General SOCG (CD 14.1) on the basis that it is a main policy associated with delivery of development (including housing) and the Council does not have an up to date 5 year supply of housing.

10.5. Generally speaking, I consider a number of the objective of Policy 17 to be broadly consistent with design themes and considerations set out in paragraph 130 of the NPPF, but there are instances where more up to date national policy provides a different take and more positive slant on how development proposals should be considered in relation to their location and context.

10.6. Paragraph 130 of the NPPF states:

'Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.7. I consider the proposal meets all of these objectives and I will go on to demonstrate how in more detail below when addressing Policy 17. In particular, however, I note that paragraph 130c of the NPPF responds more positively to changes in the built

environments and does not seek to simply preserve the status quo so long as development is sympathetic to the local character and history of the area. The development proposal will represent a change in the built form and character of the site but I go on to demonstrate that this is not inconsistent with the mixed use nature and character of Buckshaw Village where there is clear evidence that residential development has been purposefully planned to sit in very close proximity to employment development. I regard it as a positive change.

- 10.8. Part 'e' of paragraph 130 also seeks to optimise sites to accommodate an appropriate amount and mix of development (including public green spaces) and support local facilities and transport networks. The appeal proposal does just that by optimising an underutilised previously developed site, delivering housing that is needed now in a form that the Council accepts. In doing so, it also delivers new public open space.
- 10.9. In light of Paragraphs 127 to 129 of the NPPF, it is also important to highlight at this stage of my evidence that the Council have not advanced a Design Guide or Design Code for this particular area or the Borough as a whole.
- 10.10. However, in accordance with paragraph 132 of the NPPF (and notwithstanding the fact that the Council have not been accommodating pre-application meeting with developers), Bellway did undertake a pre-application consultation with neighbouring properties within the area through a leaflet drop, which provided an indicative layout that was prepared at the time. Feedback from this consultation is provided in the supporting Statement of Community Involvement (**CD 10.15**) supporting the planning application and importantly, it has influenced the design of the appeal scheme in a number of ways including the proposals for a separate access point into the residential development, secure boundary treatments to the most immediate neighbouring properties.
- 10.1. The Appellant's positive response to this feedback prior to the application being submitted should be regarded as an important material consideration.
- 10.2. Moreover, the Appellant made a number of changes to the development proposal during the application process to positively respond to requests from the case officer and to address officer feedback, including the provision of on-site open space and a Local Equipped Area of Play, the re-orientation of a number of properties to provide better natural surveillance and a better layout of the site generally.
- 10.3. Given the application has been made in full, it has also been possible for all those with an interest in the site to comment on the detailed design of the development should they so wish. Notably, only one letter of objection was received towards the application (**CD 12.34**) and this was in relation to highway impacts, which Mr Wooliscroft addresses in his evidence.

Compliance with Policy 17 and the Framework

- 10.4. A separate 'Suitability of the Site for Housing SOCG' (**CD 14.4**) has been prepared in the context of this policy and is signed and dated 30th January 2023. It is agreed that the appeal proposal fully satisfies criterion b, 'd, f, g, h, j, k, and m. It is also agreed that criterion 'l' is now out of date and not applicable to the appeal proposal.

- 10.5. A more detailed Heritage SOCG (**CD 14.3**) in relation to criterion b has also been signed and dated 23rd January 2023, which sets out the agreed and satisfied position in relation to the appeal proposals relationship and impact on heritage assets within proximity to the appeal site.
- 10.6. It is also agreed between the Council and Appellant within the General SOCG and Suitability of the Site for Housing SOCG that criterion 'a' is satisfied in relation to the proposed on-site siting, scale, design, materials, building to plot ratio and landscaping. The Council do not agree with the principal of siting housing in this location more generally, which I consider is more relevant in the context of criterion c of Policy 17 and Criterion d of Policy 10.
- 10.7. As a point of clarity, a Suitability of the Site for Housing SOCG was originally signed on 25th January 2023, however we noted an error on the site layout in relation to the updated site layout drawing (ref: PLO1 rev AA) that was included at Appendix A. Rev AA superseded rev W which is included in General SOCG (**CD 14.1**) and was prepared to show the affordable housing plots on the site. However, we have identified a drawing error in relation to the orientation of plot 21. The front elevation of that property should face the proposed open space rather than Euxton Lane to be consistent with feedback received from the case officer during the determination of the application, the layout that was determined at the Planning Committee, and the proposed landscape plans (**CD 10.32 and 10.33**) which show the plot orientated in the intended manner. As such, we have included a corrected layout (ref: PLO1 rev AB) within an amended Suitability for Housing SOCG which has been signed and dated 30th January 2023 (**CD 14.4**), which was provided to the Inspector on the same date.
- 10.8. I focus on the main issues that remain in dispute with the Council this section of my evidence, which relate to criteria c, e and i, of Policy 17 and criterion d of Policy 10, which I consider is best dealt with here. I do also address Policy 17 criteria where there is agreement with the Local Authority but do so in more detail at **Appendix 28** of my evidence, where I conclude the following:
- The sitting, design, scale, materials and landscaping are all appropriate for this site (as agreed) and in keeping with the existing design and scale of residential properties that are evident across Buckshaw Village and Euxton. **Criterion 'a' is therefore satisfied.**
 - The development would not adversely impact on the significance of the setting of the nearby Grade II listed building and other non-designated heritage assets within the area (as agreed). **Criterion 'b' is therefore satisfied.**
 - Appropriate noise assessments have been provided alongside the planning application and in conjunction with appropriate separation distances and boundary treatments to the railway line and neighbouring uses, officer responses towards the application have confirmed that new residents and existing businesses would not be adversely affected by the development proposal and could co-exist without impact. **Criterion 'd' is therefore satisfied.**
 - The development includes numerous outward-looking residential properties that will directly overlook a well-used pedestrian/cycle recreational route along Euxton Lane providing enhanced natural surveillance in a location where there

is currently limited surveillance. Bearing in mind it is agreed that it would not be viable to re-let or refurbish the existing office building, there is a danger that the site could also become increasingly derelict and receptive to potential criminal activity if not redeveloped in the short/medium term. The appeal proposal would avoid this occurring. **Criterion 'f' is therefore satisfied.**

- The development includes appropriate landscaping in the form of an area of public open space on the site frontage, in an area where there is a reported deficiency in such space (see **CD 12.32**), along with incidental landscaped area to the front of Euxton Lane. The two protected mature oak trees will be preserved and set within this landscape and over 170 new street trees will be planted. The provision of the landscaped open space on the site frontage on an area of poor, derelict land will enhance the amenity of the general area and public realm in a location that is in close proximity to the listed building. I consider this is a positive material consideration that should be afforded great/moderate weight (particularly noting the overall substantial weight that is afforded to re-using and redeveloping brownfield sites generally at paragraph 120 of the NPPF). **Criterion 'g' is therefore satisfied.**
- The proposal does not include public art but the Council agree that it is not necessary or appropriate in this location. **Criterion 'h' is therefore satisfied.**
- It is agreed that a Design and Access Statement was submitted alongside the planning application, and this was deemed suitable to validate the application. I have included an updated Design and Access Statement at **Appendix 29** of my evidence and demonstrate below that this concludes the site is appropriate for housing (notwithstanding the Council position on this generally). **Criterion 'i' is therefore satisfied.**
- The proposal will deliver a mix of visitable homes in accordance with current building regulations on a site that level and does not suffer from topographical or access issues. The proposal will also deliver raised platforms at two nearby bus stops that will enhance access for those with disabilities. **Criterion 'j' is therefore satisfied.**
- The proposal is not within a flood risk area and whilst attenuation basins are not provided on site, this is not necessary in this location. Subject to conditions put forward by the Local Lead Authority, the development proposal will ensure that greenfield run off rates is achieved from a site that currently has lots of hard standing. The creation of grassed rear and front gardens and areas of landscaping will reduce run off rates. All homes will be developed in line with current building regulations and provide energy efficient buildings that are far superior to the existing office building. All homes will also be provided with electric vehicle charging points and therefore the redevelopment of the site does address climate change issues. **Criterion 'k' is therefore satisfied.**
- It is accepted that Building for Healthy Life ratings have moved away from the silver and gold rankings and therefore this criteria is now out of date. A building for Healthy Life Assessment is submitted within the Design and Access Statement and shows a range of green and amber ratings (and no red ratings).

This is considered appropriate for this site and development proposal.
Criterion 'I' is therefore satisfied.

- It is accepted that all technical Information required to address criteria m has been provided and no outstanding objections are provided by the Environmental Health Officer (**CD 12.11**). **Criterion 'm' Is therefore satisfied.**

10.9. With regard to the remaining disputed matters on Policy 10d and Policy 17c, e and i, these criteria principally relate to the following considerations:

- **Housing Location Matter A** – Is the site an appropriate location for housing noting the context and character of the area and the development proposals relationship with surrounding land uses?
- **Housing Location Matter B** – Is the site an appropriate location for housing in the context of its accessibility and relationship to key services and facilities within the area?

10.10. Whilst I do comment on the accessibility of the site below, Mr Wooliscroft's evidence (**CD 15.3**) prepared on behalf of the Appellant deals with the second matter in more detail and should be regarded as the Appellant's primary evidence in relation to the second matter.

Housing Location Matter A – Is the site an appropriate location for housing in the context of the character of the area and relationship with immediate surrounding uses?

(c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.

- 10.11. As already highlighted, the site is located within a mixed-use designation for employment and residential development and is identified in the Core Strategy Policy 1 as a priority location for growth and within a defined settlement boundary. It is also agreed that the uses surrounding the site are mixed in terms of their use.
- 10.12. In the context of criteria c of Policy 17, I consider the proposal is sympathetic to surrounding land uses and occupiers within the area which comprises of a mix of uses and the pattern of development in and around Buckshaw Village is one whereby residential development sits side by side with employment development. I have illustrated this already and refer the Inspector back to **Appendix 5** of my evidence.
- 10.13. **Appendix 19** of my evidence and the proforma in relation to the employment site allocation EP1.5 at Euxton Lane / Strawberry fields, also includes masterplans where it is clear the Council have approved residential development on that employment site in close proximity to new employment development presumably to a) help facilitate the development of new employment units and b) located homes in close proximity to new places of work (including a range of office, industrial and warehouse units).
- 10.14. The layout of the proposal ensures that the development will not impinge on any the surrounding land uses and suitable boundary treatments are in place between the

development proposal and the surrounding uses (as confirmed by the Council's acceptance of the siting, layout, design, massing, scale and landscaping).

- 10.15. The application was supported by a Noise Assessment (**CD 10.16**), which has been accepted by the Local Authority and the consultation response on this matter confirmed no objection from the Environmental Health Officer.
- 10.16. The supporting Transport Assessment (**CD 10.18**) and evidence by Mr Wooliscroft (**CD 15.13**) also demonstrates that a suitable vehicle access can be accommodated on Euxton Lane without adversely impacting on the access points to these surrounding facilities. Notably, Lancashire County Council raised no objections in this regard as well.
- 10.17. Coupled with the agreed position that Criterion (a) and (d) of this policy are also satisfied, it is difficult to see what issues the Council may have in relation to this criterion. For completeness, however, I now go on to consider the relationship with the surrounding immediate uses.
- 10.18. In terms of considering the relationship of the appeal proposal with the surrounding uses, the northern boundary is defined by a high brick wall which defines the ownership boundary and estate land belonging to network rail. A maintenance strip has been left and no objection from Network Rail has been received towards the application. This creates a good and safe barrier to the railway line.
- 10.19. The existing brick wall also helps to separate the residential development from the larger and taller employment buildings located to the immediate north, helping to create a good level of screening and separation for the proposed rear gardens that face north.
- 10.20. Beyond the railway line to the north there are large employment buildings, but there is at least a 40 metre separation between the closest elevations of the existing buildings and the proposed homes. Notably, the service yard areas to the employment buildings are separated by at least 70m from the rear elevations and are shielded by the employment buildings themselves. As such, the more active and noisy operations associated with these businesses are well contained and will not impact on the amenity of the proposed residents (also see agreement to Criterion d above).
- 10.21. I note that there is an undeveloped, allocated parcel of employment land to the north of the railway line but any future development proposals on this site will inevitably provide a suitable boundary treatment of landscaping and any other necessary form of noise mitigation as deemed necessary. Indeed, the existing large B8 warehouse to the immediate east of this allocation benefits from such landscaping on its southern boundary and there is no reason to believe that this could not be extended as and when this business considers it may require this land to extend upon.
- 10.22. To the east is Preston North End's Training Ground and associated facilities including changing room / sports club buildings and playing pitches. Locating residential development next to recreational playing fields such as this is not uncommon. The playing pitches themselves are also separated from the proposed residential development firstly by the access road into the training ground, which is not a particularly busy (particularly given it is a private training ground rather than open to the public) and then a very large and high leylandii hedge.

- 10.23. To the south is the Hearts and Minds Childcare facility. Again, it is not uncommon for residential development to be located next to such businesses and whilst it does include outdoor play space for the children attending, the use is separated from the appeal site by Euxton Lane and no noise impact concerns have been raised in relation to this. Instead, the introduction of new homes within this area will provide custom for the existing business and it provides a highly accessible and useful facility for the new residents with young families.
- 10.24. The existing boundary to the west is currently open and defined by the car park to the existing employment building occupied by Blink Photo. Upon my site visits to the area, I have noted that the car park is well used but this has always been just private cars for the employees and visitors and I have seen no evidence of heavy good vehicles. That said, I anticipate there is the odd delivery and requirement for larger vehicles to continue to access their site, hence why we have provided a separate access for the appeal proposal so as to avoid any potential vehicle conflict or impact on this business in particular.
- 10.25. A link to Blink Photo's website is provided below³². The business is focused on photography and filming associated with the advertisement industry. In particular, Blink Photo undertake photography and film videos for a number of household name retailers including Sainsburys, Booths, Iceland, Victoria Plumbing, Screwfix, Dunelm, etc.
- 10.26. This business has been consulted with by the landowners and Appellant as part of the pre-application consultation that was undertaken. Their response is contained within Appendix 3 of the Statement of Community Consultation that supported the planning application (**CD 10.15**) and they were supportive towards the development proposals.
- 10.27. Their feedback at the pre-application stage confirmed that they do require a relatively quiet environment for this. I accept that the previous office use would have been deemed to be suitable from Blink Photo's perspective. However, they did express a genuine fear that if the site were redeveloped for light industrial or warehousing development, then such uses could adversely impact upon their business operations. This is a material consideration and would suggest the Council's case for retaining the site for new employment development on the site could be met by a greater level of objection a neighbouring business and alternative use proposed on the appeal site use would have to address the agent of change principle set out at paragraph 187 of the NPPF. The specific requirements of the neighbouring business would need to be considered and represent a further constraint that any industrial and warehouse uses would have to respect and address.
- 10.28. The appeal proposal will provide suitable boundary treatment next to Blink in the form of rear garden boundary fences and some landscaping and the area of open space located to the front of their building will create a more pleasant and greener environment, which will be equally available for their employees to utilise upon lunch breaks should they choose.
- 10.29. It is also highly pertinent to note that none of the neighbouring businesses or uses have objected to the development proposals and we have not received any feedback

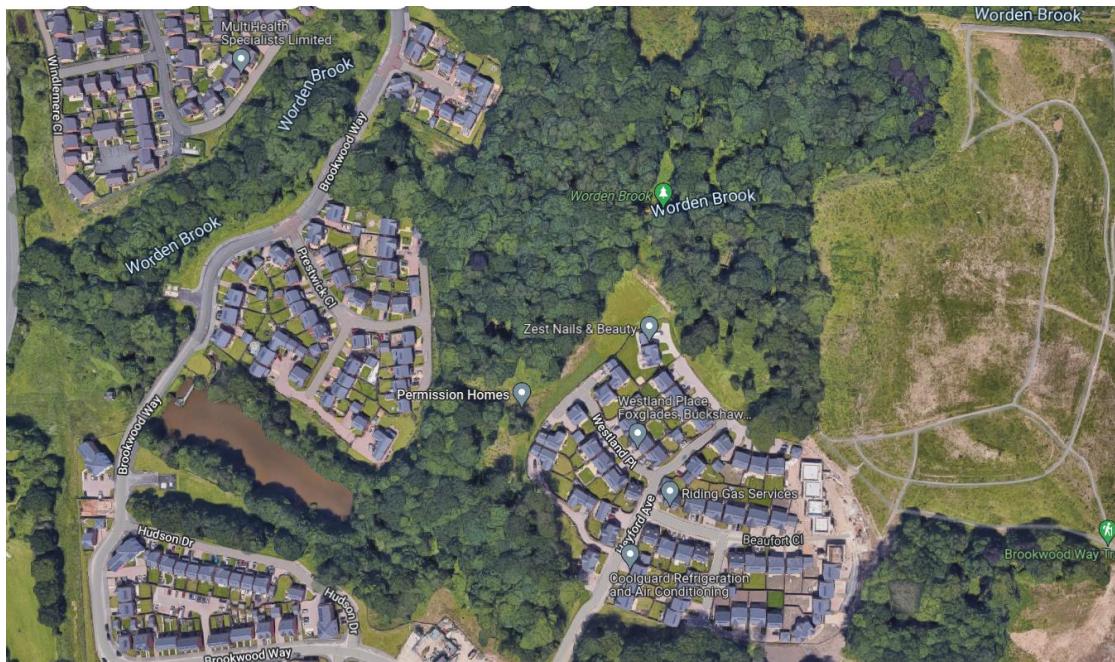
³² <https://blink-photo.co.uk/>

from the Council and respective officers that the proposal would impact adversely on local school or medical practice capacity. Had any of the surrounding businesses or facilities considered there would be adverse impacts, they have had the opportunity to provide comments to the application process and the appeal process. Bearing in mind the appeal proposal will provide a CIL contribution of **£311,399.23** to contribute towards local infrastructure and community projects, I also take comfort in the knowledge that local amenities could also benefit from investment generated by the development should the Council deem this necessary in the future.

- 10.30. In terms of considering the character of the area and how the development will alter this, I accept that there will be a change from employment to residential but as noted above, the NPPF paragraph 130c specifically states that such change should not be prevented or discouraged.
- 10.31. I consider that the site represents a logical residential development location in terms of the creating a common transition of uses one might expect to see when entering or leaving a settlement and is best illustrated by the plan provided at **Appendix 30** of my evidence and the artist impressions of the site, which are based on a model of the proposed site layout and the proposed house types at **Appendix 31**.
- 10.32. Travelling out from the centre of Buckshaw Village and over the railway bridge on Central Avenue, one would see the college and commercial development located to the west of the appeal site, one would then experience the proposed open space located on the Euxton Lane frontage (which is of a similar depth to the existing landscape strip along this part of Euxton Lane and the residential development just beyond this, which will more closely front Euxton Lane itself). Beyond that one would then experience recreational uses and open spaces located within the Green Belt as one passes the defined settlement boundary. This is a common transition of uses experienced when travelling out of many settlements and is what is experienced if one was to turn in the other direction from Central Avenue. In that direction, one would pass the employment uses located on the Chorley Business and Technology Park located to the immediate west of Central Avenue and then they experience residential homes that are located closer to Euxton Lane.
- 10.33. Whilst I accept Euxton and the northern parts of Buckshaw Village comprise of larger residential areas and the proposed development is not located directly adjacent to an existing residential area, it is important to highlight that there is no policy within the Local Plan or NPPF that suggests there is a need for new residential homes to abut existing residential homes.
- 10.34. The development proposal is of a scale where it will create its own residential setting and small neighbourhood within but towards the edge Buckshaw Village's existing settlement boundary. Furthermore, other residential areas are not located particularly far away and located circa 0.5km in either direction of the appeal site on Euxton Lane. Some individual dwellings are also located to the immediate south of the site and as I have already highlighted, this location cannot be regarded as being an isolated location as defined by paragraph 80 of the NPPF.
- 10.35. I also note that there are smaller pockets of residential development within parts of Buckshaw Village around Worden Brook and the woodland areas that surround it. Whilst I accept that one has to pass through existing residential areas to get to these

smaller pockets of residential development, they are not directly bound by other residential development with the woodland areas creating a buffer and those shown at Figure 10.1 below contain approximately 12 to 50 homes and are of a scale that still creates a sense of place and community.

Figure 10.1 – Residential Development around Worden Brook (Buckshaw Village)



10.36. On the above basis, I consider criterion (c) of Policy 17 is satisfied.

Housing Location Matter B – Is the site an appropriate location for housing in the context of its accessibility and relationship to key services and facilities within the area?

10.37. This matter principally relates to Policy 17 Criterion e, which states:

(e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.

10.38. Paragraph 8.9 within the General Statement of Common Ground (**CD 14.1**) states:

'The appeal proposals do not prejudice the development of neighbouring land, including the creation of landlocked sites'

10.39. On that basis, it can be clearly assumed that second aspect of criterion (e) of Policy 17 is satisfied.

10.40. The key issue being raised by the Council is in relation to integration with established communities and supporting amenities, which is principally dealt with in Mr Wooliscroft' evidence (**CD 15.13**).

- 10.41. In terms of considering the appeal proposal '**linking in with surrounding movement patterns**', I believe it is important to consider the entirety of policy criterion and how the existing site in its current state functions in this regard. At present, there is no access over the railway line to the north directly from the site, nor is there any existing access through to the Preston North End Training Ground. As such, whilst the development proposal will create secure boundaries in this direction, that is no different to what currently exists.
- 10.42. There is the ability to move more freely between the appeal site and the neighbouring property occupied by Blink Photo due to the open nature of this boundary but partial access through the proposed area of Public Open Space will retain this ability for pedestrians and cyclists. Critically, Blink Photo as part of their response to the pre-application public consultation made it clear that separate vehicular access should be provided and they would wish to see a robust boundary to their access and car park, which the appeal proposal provides.
- 10.43. The southern boundary will remain open with access onto Euxton Lane for vehicles, pedestrians and cyclists, which is the existing primary route to other surrounding services within Buckshaw Village. Improvements will also be made to neighbouring bus stops on Euxton Lane, which will be readily accessible from the development. On that basis, the proposal does link in with the available movement patterns around the site and no adverse change will occur. On that basis, I consider criterion (e) to be fully satisfied.
- 10.44. Walking distances and accessibility to these services is addressed in more detail in Mr Wooliscroft's evidence but I also provide accessibility plans in **Appendix 2C** and **Appendix 2D** of my evidence.
- 10.45. Mr Wooliscroft confirms that the site benefits from a highly sustainable location in respect of existing local amenities. The summary table overleaf provides a helpful overview and reflects the agreed walking distances provided in Section 4 of the General SOCG (**CD14.1**).

Table 10.1 – Approximate Distance from Site to Local Facilities

Local Amenity	Distance	Guidance Criteria	Journey Time (mins)	Meets with Guidance?
Xton Business Park	250m	1,600m	3.0	YES
Bus Stops on Euxton Lane	350m	400m	4.4	YES
Gymworks, Chorley	550m	1,600m	6.9	YES
Little Explorers Nursery and Pre-school	950m	1,600m	11.9	YES
Buckshaw District Centre	1,400m	1,600m	15.0	YES
Trinity Methodist Primary School	1,400m	2,000m	17.5	YES
Tesco Supermarket	1,450m	1,600m	18.1	YES
The War Horse Public House	1,480m	1,600m	18.5	YES
Kids Planet Nursery	1,495m	1,600m	18.7	YES
KFC	1,500m	1,600m	18.8	YES
Buckshaw Parkway	1,550m	1,600m	19.4	YES
Strawberry Fields Digital Hub	1,550m	1,600m	19.4	YES
Trinity Church of England Primary School	1,600m	2,000m	20.1	YES

10.46. Other than the two secondary schools, all other day to day services within the area (including local shops, bus stops, primary schools, health care provision and the train station) are within the recommended walking distances. The provision is of a good standard, with many of the services having been developed relatively recently as part of the wider Buckshaw Village masterplan. The Tesco store and Aldi stores are both modern, accessible and provide a comprehensive convenience offer alongside other smaller retail and leisure businesses. The primary schools provide modern accommodation and well-equipped play areas.

- 10.47. As detailed within **Table 10.1** the Parklands Academy and Balshaw CoE High School, which are the closest secondary schools to the site, are located outside of the recommended 2 kilometre walking distance. However, Parklands Academy can be accessed via the LCC school bus services detailed below which are located in close proximity of the appeal site:
- 804 Service to Chorley Parklands – closest stop on Euxton Lane outside of the site which is being improved (in line with the recommendations of LCC Highways and as secured under draft condition 21).
 - 119 Service to Chorley Parklands – closest stop is to the east of the site near Mimosa Close approximately a 10-minute walk from the site.
- 10.48. Notably, as part of the draft and agreed Condition 21, off site highway works secured through a Section 278 agreement will provide improvements to the two bus stops located in close proximity to the appeal site to the immediate east and only **170m** from the centre of the appeal site. These improvements will aid access and egress for the public onto these services which provide access to the Secondary Schools and in time could serve any new public bus service that may be directed down this part of Euxton Lane in the future.
- 10.49. Therefore, the site is very well connected to existing amenities and is certainly not isolated or inaccessible.
- 10.50. Notwithstanding the above, the Council outline their concerns at paragraph 5.12 of their Statement of Case (**CD 13.3**):
- “The evidence will focus on the location, site context and accessibility of the site, and the implications for place making. The committee report notes that the site is isolated from other residential settlements and suffers from a lack of connectivity with any established communities or amenities. **Accessing services on foot or by cycling would require a circuitous trip via a road bridge to the west.**”
- 10.51. I accept that the railway line does create a strong boundary along the northern boundary of the site. However, the District Centre, Train Station and local primary schools are also located in the southern half of the new settlement and therefore still within good proximity to the appeal site. They are all easily accessed via the bridge crossing located a short distances to the west that is directly connected to the appeal site via a wide share public footpath and cycle route. They provide a safe and convenience access route to the north of the railway line after which shared cycle and footpath routes are provided through an area of public open space through to the District Centre. Indeed, I do not accept that the route that is available is arduous or commodious to an extent that it would prevent the new residents walking or cycling to the Train Station, District Centre or other services located to the north.
- 10.52. New residents on the site will be able to walk or cycle to local shops that provide day to day needs and local bus stops and the train station with relative ease given the width of the shared cycle route and footpath. Furthermore, once one reaches the bridge over the railway line, the road gradually rises and one gets a direct line of sight to the Tesco store which anchors the District Centre. The visual appreciation of being

within close proximity to the District Centre (and the Train Station) is therefore experienced after only a short walk up Euxton Lane and Central Avenue.

- 10.53. Such proximity and associated visual links to the District Centre and Train Station are not as obvious from other locations within Buckshaw Village. By way of any example, the northern most residential properties within Buckshaw Village to the north of Old Warden Avenue are located approximately **1,600m** from Buckshaw Village Train Station. Other residential streets such as Bamburgh Drive located to the far west is **2,100m** from the train station. These locations are illustrated on the plan at **Appendix 2D** of my evidence. Whilst these are located within South Ribble, they still represent part of the new Buckshaw Village sustainable settlement and fall within the Core Strategy boundary for the strategic site. By comparison, the appeal site is located within a **1,550m** walk or cycle to the Station and therefore closer in terms of physical walking distances but much closer in terms of visual appreciation and perception.
- 10.54. As such, the appeal site cannot be regarded as being isolated from existing amenities and communities. The walking distances fall well within acceptable thresholds as outlined in guidance and it is accepted that the physical walking and cycling infrastructure between the site and many of these facilities is good.
- 10.55. Overall, I consider criterion (e) of Policy 17 and criterion (d) of Policy 10 are satisfied.

Conclusions on Policy 17

- 10.56. Overall, I conclude that Policy 17 is suitably satisfied. Any marginal conflict is only in relation the specific rankings stated in criterion 'l' in relation to Building for Life Standards, but it is agreed that this guidance has now been superseded by Building for Health Life standards, which have been considered and addressed in the supporting and updated Design and Access Statement at **Appendix 29** of my evidence.
- 10.57. With regard to the Council's reason for refusal, I consider that this is unsubstantiated and that the site represents a highly accessible location for residential development and is within walking and cycling distances from a wide range of modern and up to date facilities and public transport connections and a District Centre, within a settlement that sits towards the top of the settlement hierarchy within Chorley and within a priority location for Growth as identified by the Core Strategy. Given Chorley Council cannot meet its 5 year housing requirement, it represents a golden opportunity to deliver new homes in a highly sustainable location.

11. Planning Balance and Conclusions

- 11.1. The appeal site is located on a previously developed site, within a defined settlement boundary and within the Core Strategies largest strategic site designation at Buckshaw Village, which is a relatively new settlement that has been developed over the last two decades and covers an area of circa 300 ha and was once a large manufacturing site operated by BAE.
- 11.2. The 3 ha site accommodates an outdated and inefficient office building that pre-dates much of the development within Buckshaw Village. It is agreed with the Council that its re-use and refurbishment for office development would not be viable.
- 11.3. The appeal site represents just 1% of the strategic brownfield designation, which is identified for mixed use redevelopment comprising of a significant number of residential, alongside new strategic employment and commercial development within the adopted Core Strategy and Local Plan. The development of housing on the site is therefore entirely consistent with spatial strategy within the Core Strategy and strategic plans for growth set out under Policy 1 and Chorley Local Plan Policy V2.
- 11.4. Policy 1 and V2 are consistent with the NPPF insofar that they represent the plan-led spatial response to deliver sustainable growth within Central Lancashire and Chorley and are regarded to be the most sustainable option for the City Region and Borough. This is consistent with the aims of NPPF including paragraphs 119. and 120, which attaches substantial weight to the re-use of suitable previously developed sites and positively supports the development of under-utilised land and buildings where this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 11.5. The old office building has already undergone a transformation from warehousing to offices in the 1980s and is a relic of the former, original use of the wider Buckshaw Village by BAE. It has the poorest performing energy rating and accommodates a scale of office floorspace that is deemed to be the least attractive in terms of local demand. In short, it has reached the end of its useful life. The re-use of this brownfield site therefore attracts substantial weight in the planning balance under paragraph 120.
- 11.6. Paragraph 123 also takes a positive approach to the re-use of non-allocated previously developed sites where this would not undermine key employment sites or sectors. The appeal site does not represent a key employment site. Whilst the existing use of the site is employment, the site is not allocated for a specific purpose on the Policy Maps that accompany the Chorley Local Plan. It constitutes white land and is now vacant and redundant that is in close proximity to the new settlements train station, District Centre and associated community facilities that are all within the requisite walking distances and are directly connected to the appeal site by existing pedestrian and cycle lane infrastructure. Access to secondary schools located outside the new settlement is also provided for by bus stops and services that stop outside of the appeal site.
- 11.7. Based on the site's credentials, there is therefore a policy imperative to treat the proposal favourably within the context of paragraphs 120 and 123 of the NPPF and I therefore afford this substantial weight.

- 11.8. The appeal site's previous use as offices means that the redevelopment of the site residential development creates a degree of conflict with Policy 10 of the Core Strategy. However, this policy seeks to protect all former employment sites within Central Lancashire. The irony is that the Buckshaw Village designation within the Core Strategy represents a significant redevelopment strategy for a former employment site, which the appeal site and building originally formed part of.
- 11.9. I accept that Policy 10 does allow for redevelopment of former employment sites but the criterion and testing applied within the Policy and the supporting SPD are not consistent with the NPPF and have been applied far too rigidly by the Council in the context of this case. The only conflict that I accept does arise is the lack of any up to date 12 month marketing exercise.
- 11.10. However, I regard this conflict to be minimal and I have set out many reasons why Policy 10 is out of date in Section 9 of my evidence on the basis of the following:
- There is an absence of a 5 year land supply and it is agreed that the supply stands at just **3.3 years**, which represents a significant shortfall;
 - The restrictions within Policy 10 are based on and informed by out of date evidence and were influenced by Regional Spatial Strategy for the North West that was still in force at the time of the Core Strategy being prepared and adopted. The RSS also recommended that this evidence base should be reviewed every 3 years.
 - Policy 10 is now 11 years old and should have been reviewed twice over based on the 5 year review period set by the NPPF; and
 - It is highly inconsistent with the NPPF and paragraph 123, which takes a positive approach to development proposals of this nature.
- 11.11. The weight I afford to Policy 10 is therefore very limited and I apply much greater weight to paragraph 123 of the NPPF.
- 11.12. The above circumstances, also need to be considered alongside my evidence in Section 9 that demonstrates there is a significant amount of employment land available within Chorley (69.92 ha), which is sufficient to meet the demands for employment land up to and well beyond the adopted plan period to 2026. Based on employment land take up over the course of the adopted plan period, I calculate there to still be **24.6 years of supply**. Moreover, the land that is available for development and allocated within the Chorley Local Plan is suitable to meet a range of employment land needs across a range of sectors. Conversely, the appeal site has never been identified to contribute towards Chorley's employment land needs within the adopted development plan, the Council's latest evidence base documents or even the emerging Central Lancashire Core Strategy.
- 11.13. It is also evident that the two other Central Lancashire strategic employment sites at Cuerden and Samlesbury have a combination of masterplans and planning proposals in place for employment development that are expected to deliver additional employment units during the plan period and be delivered beyond. These sites are capable of meeting strategic and localised employment land needs within Central Lancashire (including some needs that might be derived from Chorley). The undeveloped sub-regional allocated employment sites within Chorley at Great

Knowley and Botany Bay are also now showing additional progress and prospects for delivering new employment premises in the near future, which are capable of meeting local industrial and warehouse needs.

- 11.14. Mr Aherne's evidence (**CD 15.2**) also clearly demonstrates that alternative forms of employment development on the site will not be viable due to a combination of the constraints on the site, its' relatively small size, rising build costs and Insufficient returns from likely achievable rates.
- 11.15. As such, I conclude that the redevelopment of the appeal site will not undermine a key economic sector.
- 11.16. Throughout my evidence I have concluded that the redevelopment of the appeal site would not undermine a key employment site. Whilst located in Buckshaw Village, it has never been specifically allocated for employment and has therefore not been identified to the meet the future employment land needs of the Borough. Even more recent evidence-based documents prepared by BE Group on behalf of the Council for the emerging Core Strategy Local Plan fail to identify the appeal site as a key employment site and instead identify the more recent employment development that has been delivered within Buckshaw Village, which are not applicable to the appeal site.
- 11.17. With regard to matters associated with the character of the area and whether the site is a suitable location for housing and the Council's second reason for refusal, my evidence alongside that of Mr Wooliscroft's highlights that the appeal site is located in a sustainable location within recommended walking distances to a range of new facilities located within Buckshaw Village and the surrounding area. This includes local bus stops, a train station, medical centre and various primary schools plus a District Centre with a range of facilities and services. Whilst the new residents will have to pass over the railway bridge located on Central Avenue to the west, this road and Euxton Lane which is wide and accommodates shared cycle and footpaths which directly pass the main frontage of the appeal site and run all the way to the above facilities. Visual links with the District Centre and the train station are also evidently available and help to reduce any perceived distances.
- 11.18. My evidence also demonstrates that the development of the site for housing will make a positive contribution to the physical and visual amenity of the area. Whilst the introduction of housing in the area will represent a change, it is agreed that the mix of uses around the appeal site is varied including employment, recreational space, open countryside and some residential homes.
- 11.19. I note that paragraph 130c of the NPPF does not discourage such change but does also call for development to be sympathetic to the local character and history including the surrounding built environment and landscape setting. In this context, Buckshaw Village is a location that has undergone significant development and change already from an old employment site being transformed into a sustainable mixed-use settlement. Ongoing change in this regard is therefore not inconsistent with the area's history. The appeal proposal will also still represent a logical transition of uses when travelling into and out of the settlement along Euxton Lane and it is agreed that it will have no undue harm on registered heritage assets in the locality. I also highlight that whilst the new homes will be located next to retained employment uses, it is agreed that amenities of residents and the ability for those businesses to continue to operate will not be

hindered. Moreover, this close relationship of housing next to employment uses is entirely consistent with the overall character of Buckshaw Village. Indeed, if anything, this close relationship of employment next to housing replicates the settlement's unique character.

- 11.20. As such, whilst it is accepted that Policy 17 is out of date due to the lack of a 5 year supply of housing, on the basis that all other criteria are agreed to be satisfied, I conclude that the appeal proposal does satisfy Policy 17 in any event.
- 11.21. Either way, the planning balance exercise is triggered by Paragraph 11 of the NPPF, as well as policy MP1 within the Core Strategy on the basis that it is agreed that both Policy 10 and 17 are out of date and a 5 year supply of housing cannot be demonstrated.

Benefit of the Appeal Proposal and Weight Applied

- 11.22. Throughout my evidence I have highlighted the following benefits that will be delivered by the development proposals. I summarise what these are, the weight I apply to them and why within the schedule below as well as the impacts generated by the development proposal.

Sustainable Development Thread	Matter	Weight applied	Why?
Social / Economic / Environmental	Compliance with Policy 1 and V2	Significant	The appeal site is located within a defined settlement boundary and within the Buckshaw Village Strategic designation, which is designated as one of the key locations within the sub region to accommodate significant development over the plan period for housing and employment development. The delivery of housing in this location is therefore compliant with the adopted spatial strategy for the area and objectives of this wider strategic site.
Environmental	Redevelopment of a brownfield site	Substantial	<p>In line with paragraph 120c of the NPPF, substantial weight should be afforded to the re-use of suitable brownfield sites within settlements for homes and other identified needs. Appropriate due weight should also be afforded to all of the associated benefits arising from this that substantiates the overall substantial benefit:</p> <ul style="list-style-type: none"> - Making efficient use of existing development land helping to reduce pressure on previously undeveloped land which is a finite resource;

			<ul style="list-style-type: none"> - Remediating what will inevitably become a derelict site overtime if action is not taken now; - Improve the amenity of the local area on what is a relatively prominent site on the entrance to the settlement;
Social	Improved Natural Surveillance	Moderate	The appeal proposal will provide enhanced natural surveillance a circa 200 metre stretch of the well-used combined footway and cycle route located on Euxton Lane that is used for recreational purposes.
Environmental	Improved development frontage	Moderate	The development will provide an improved development frontage to Euxton Lane. The fact that the site is located on the fringe of the settlement at a gateway location will provide a more suitable and common transition of land uses in such locations from commercial, to residential to open space/countryside.
Environmental / Social	Delivery of Public Open Space	Moderate	Whilst the proposed open space will principally serve the residents of the appeal scheme, it is provided in a location where there is a current deficiency, and it will be made available to the wider public including workers on the remaining business park and those utilising the shared cycle / pedestrian route along Euxton Lane which appears to be partly used for recreational purposes. On that basis, I afford this benefit moderate weight.
Environment	Enhancement of visual amenity of the area near a Grade II Listed Building	Great / Moderate	The fact that the landscaped open space will also be provided on an area of redundant/derelict land that is located in close to a Grade II listed building and it will improve the amenity of the area contributes to the weight I afford to this benefit.
Social	Delivery of Affordable Homes	Substantial	Given the high annual need for 113 affordable homes per annum within the Borough, the delivery of 13 affordable homes will be of substantial benefit. In arriving at this conclusion, I pay significant regard to the fact more than 50% of the boroughwide need is recorded within Buckshaw Village (where 71 affordable homes per annum are required) and there are few remaining housing allocations or other suitable land parcels available for development within the settlement. I also afford some additional weight on

			<p>the basis that the Appellant is providing an additional affordable home over and above what is the agreed policy requirement for the site with vacant building credits applied. This approach is in accordance with the Council's Re-use of Employment Land SPD, when considering the need for the alternative use.</p>
Social	Delivery of Homes	Significant	<p>In light of the lack of a five year supply of housing and the supply being just 3.3 years, it is agreed that significant weight is afforded to the delivery of the overall 108 dwellings, which will make a positive contribution towards the Council being able to demonstrate a 5 year supply in the future. Further significance can be applied noting that the current consequences of this are that Safeguarded greenfield sites identified within the Development Plan are being released prior to a formal review of the Development Plan, which is at a very early stage and therefore this shortfall is likely to persist. In contrast, this site is a brownfield site, within a settlement boundary, designated for mixed use development.</p>
Social	Improved bus stops	Moderate	<p>The physical works that will be carried out to raise the access and egress platforms to the bus stops constitute works that will assist those with disabilities seeking to access the Secondary Schools within the Local Area and if public services are introduced to this route in the future, wider public benefits from these works will occur.</p>
Economic	Creation of jobs during the construction phase on site and through the supply chain	Moderate	<p>It is estimated that the appeal proposal for 108 no. dwellings will create 132 direct construction roles and indirect/induced jobs supported per annum during the build phase. It is also estimated that this will generate £22.3million GVA Economic output contribution from jobs supported by activities at the site over the 3-year build (current prices). Please refer to the original Economic Benefits Statement (CD 10.13) for information on how this is calculated using an industry standard methodology.</p> <p>Whilst these will be temporary jobs associated with the construction phase, I apply moderate weight to them on the basis that we are currently experiencing a downturn in the economy and a pipeline of deliverable homes will assist Bellway and its development partners to maintain a respectable level of employment during what may transpire to be a more difficult period for the housing industry.</p>

Economic / Social / Environmental	Community Infrastructure Levy Contribution	Significant / Moderate	<p>Based on calculations taking into account the increase in floorspace generated by the appeal proposal, £311,399.23 of CIL payments will be made to the Council and go towards local infrastructure projects set out in the Council's Regulation 123 list (CD 9.9), which sets out a range of local infrastructure projects that would benefit the local community such as enhanced cycle and public transport infrastructure and education facilities.</p>
Environmental	Improved biodiversity	Moderate	<p>It is acknowledged that the existing site has a low ecological value and does not provide any valued habitats. It is agreed that an enhancement in biodiversity will be achieved with GMEU (see CD 12.25). Improvements will be achieved through the planting of new trees and the provision of green space and incidental planting. Other ecological enhancements will be provided through bird and bat boxes and the creation of front and rear gardens where a good proportion are likely to include suitable habitats for various forms of flora and fauna.</p>
Environmental	Improved Surface Water Run Off	Moderate	<p>The existing site currently accommodates a lot of tarmac and hardstanding areas. The development proposal will achieve greenfield run off rates even though this is not a policy requirement within the area at this stage. Whilst the site is not within a flood risk area, reducing urban surface water run off rates from the site, will still generate an environmental benefit.</p>
Economic	Increased Local Expenditure	Moderate	<p>The appeal proposal would provide 108 new homes and associated household in relatively close proximity to Buckshaw Village District Centre and provide additional local household expenditure which would benefit the existing retailers and other service located within it, thereby assisting with its vitality and viability.</p> <p>It is estimated that the appeal proposal for 108 no. dwellings will generate:</p> <ul style="list-style-type: none"> - £3million – Total annual household expenditure. - £222,570 Estimated annual increase in Council Tax Revenue

			Please refer to the original Economic Benefits Statement (CD 10.13) for information on how this is calculated using an industry standard methodology.
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Impacts of the Appeal Proposal and Weight Applied

- 11.23. In terms of the impacts generated from the development, this simply relate to the following:

Loss of an existing employment building

- 11.24. The office building is vacant and does not currently accommodate a business so there will be no loss of existing jobs. The building was historically converted from an old warehouse to offices in the 1980's.
- 11.25. It has an energy rating of G (the lowest ranking available) and is therefore not a sustainable building. Its scale and floorplate is significantly larger than what is required by the office market and does not lend itself to an easy conversion.
- 11.26. It is agreed that refurbishment and re-use for offices would not be viable.
- 11.27. In short, it has reached the end of its useful life. The existing building therefore provides no existing or future prospect for accommodating jobs and contributing to the local economy.
- 11.28. I therefore attach no weight to this impact.

Loss of an existing non-allocated employment site

- 11.29. The site is not allocated for employment purposes and is instead undesignated white land located within the settlement boundary and the Buckshaw Village designation on what was a large former employment site operated by BAE. The appeal site represents a relic of the wider former BAE use and represents only 3 ha of the wider Buckshaw Village site (which is substantial at 300 ha overall).
- 11.30. Paragraph 123 of the NPPF does call for consideration as to whether the redevelopment of non-allocated employment sites would undermine a key economic sector or site. I have assessed the site in the context of it being located within the Buckshaw Village Strategic Site and conclude that its loss will not undermine this strategic site. Parts of this very large site designation have been recognised to be of strategic importance for the delivery of employment development and are allocated and specifically designated in the respective Local Plans. However, these areas have now largely been developed in full and do not relate to the appeal site and continue to provide more modern employment floorspace. The employment allocations that remain available for development within Buckshaw Village are more appropriate for office and logistics use.
- 11.31. In considering redevelopment employment options, whilst close to a train station, it is still located in an out of centre location as defined by national and local planning policy

and is therefore not a sequentially preferable / policy compliant location for office redevelopment.

- 11.32. I accept that the site would be a suitable location for light industrial use and some small storage units. However, the quality of the appeal site has never been assessed by the Council as part of the adopted and emerging development plan process and the last assessment relevant to the XTON business park within which the site is located dates back to 2009. My own assessment, utilising BE Group's scoring matrix demonstrates that it is a poor ranking site compared to the allocated employment sites within Chorley that have been assessed (scoring 46 out of 100).
- 11.33. The appeal site is not identified by the Council within the adopted Local Plan or any of the evidence base for the emerging local plan. It is not currently accounted for to address or accommodate any of the Council's employment land requirements within the adopted plan period or future plan period. Its loss will therefore not impact on any of the existing employment land supply figures the Council currently relies upon to meet future needs.
- 11.34. The existing employment land supply is also shown to be extremely high compared to employment land take up rates during the last 30 years and over the course of the current plan period. I have calculated that between 16-21 years of employment land supply within Chorley exists based on past take up rates, which is significant.
- 11.35. There are also local sites that have recently been developed providing opportunities for new and existing businesses at Strawberry Fields, Buckshaw Parkway and recent permissions and commencement works have started to take place at Botany Bay, which creates an immediate and future pipeline of employment premises within Chorley.
- 11.36. As such, the loss of the appeal site for housing development will not result in an adverse impact on the strategic employment aspects of Buckshaw Village and as noted above, the loss of the employment site will not undermine a key employment sector or the ability of business to locate within Central Lancashire or Chorley.
- 11.37. I therefore attach very limited weight to this impact.

Final Balance

- 11.38. Based on the above balancing exercise, I conclude that the various Impacts arising from the development are not significant and do not significantly and demonstrably outweigh the benefits when assessed against the requirements of the NPPF as a whole. On the basis to paragraph 11 of the NPPF, the appeal proposal should therefore be approved.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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